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AMERICAN ASSOCIATION OF LAW LIBRARIES

TWENTY-EIGHTH ANNUAL MEETING, CHICAGO, ILLINOIS

OCTOBER 16th to 20th, 1933

MONDAY MORNING SESSION

OCTOBER 16, 1933

The Joint Session of the National Association of State Libraries and the American Association of Law Libraries, held in conjunction with the Fifty-Fifth Annual Conference of the American Library Association, at the Stevens Hotel, Chicago, Illinois, October 16, 1933, convened at ten-thirty o'clock, Miss Alice Magee, President of the National Association of State Libraries, presiding.

Chairman Magee: We have with us three gentlemen, Mr. Johnston of the Law Institute, and Mr. William King of the Chicago Bar Association who will introduce Mr. Meegan. Mr. Cahill, vice-president of Callaghan & Company, is also with us.

Mr. W. S. Johnston (Chicago Law Institute, Chicago Ill.): Madam Chairman and Members: I am Mr. Johnston, librarian of the Law Institute. I have only been there for a short time, and therefore am not as well acquainted with the work of the American Association of Law Libraries and the National Association of State Libraries as I wish I were. But I am delighted to be here today; I am delighted to be here because there is such an association of law libraries and also of state libraries. In the name of the Chicago Law Institute, and I think I may also speak for the Law Library at the University of Chicago and Northwestern University Law School, of which I am a graduate, and other law libraries of Chicago, I bid you a most hearty welcome. I know many of you intend to visit the Fair while you are here. There are two trips provided for you, one in Chicago, and one to Springfield. I have seen a great deal that you will see in Springfield when you do go, and I suggest that all of you who can go down there because it is a wonderfully interesting trip.

You probably know a little about the Chicago Law Institute and what you don't know I will be glad to show you, if you will come around at your convenience. Briefly, we are on the tenth floor of the County Building which is on the corner of Clark and Washington. You know the center of Chicago is State and Madison. You go two blocks west from State and one block North from Madison, and you are at the County Building.

It is one half of one building; the other half is the City Hall. We have about 85,000 volumes in our library, and we are located near the Court House, very largely for the convenience of the bar, that is, the lawyers who have to take books into court and also for the judges who wish to consult our library. It is a circulating library, as my words indicate, and I suppose that there are half a million books taken down from our shelves during the year and consulted, and perhaps 70,000 or 80,000 are taken either to the lawyer's offices or to the court rooms.

I bid you a most hearty welcome to the Chicago Law Institute on the tenth floor of the County Building, at such times as you can come. I am not the librarian who devotes all the time to it, but if I am not there, my assistant will be glad to show you what we have.

I know the exercises and the various addresses and conferences and round tables will be most helpful, and if possible I am going to sit in on some of them, but I can't get started this morning, as I have to go to court very shortly. I want to thank you for coming to Chicago at this particular time. This is your twenty-eighth annual session. You have met in twenty-six different places, as your record shows, all the way from Canada to the Gulf, and from the Atlantic to the Pacific, showing the wide circle that both these associations cover and the desire to be most helpful to all sections of the United States and Canada.

Let me wish you again every success in this meeting, and, as I say, come and see us if you find the time.

Chairman Magee: Thank you, Mr. Johnston. I am sure we are all very grateful.

Mr. Willard L. King (Librarian, Chicago Bar Association, Chicago, Ill.): I can't bid you welcome in a more delightful fashion in order to inaugurate your exercises in a more happy vein, than to introduce Mr. Charles P. Meegan, who

was for four years librarian of the Chicago Bar Association. As you know, the librarian of that association is an active, practicing lawyer who must take time off from a busy life to attend to the duties of the association. Mr. Meegan, I may say, achieved a reputation as librarian of the Chicago Bar Association, well, without disparaging predecessors, a reputation of pre-eminence. I think I may say, too, that with a full allowance for hopes for the future, I hope he will ever keep that pre-eminence as librarian of our Association.

His scholarship, his industry, his research, and above all, his charming kindliness of manner in working with the association in its efforts, gave our library a start, and made it whatever it is.

Mr. Meegan has just completed a two year term as President of the Chicago Bar Association. The Association had the misfortune to lose him as librarian in order that he might become its President. The two year term is, of course, most unusual, and that honor has come to him. It is a pleasure to introduce Mr. Charles P. Meegan.

Mr. Meegan read his prepared paper.

Mr. Meegan: I greet you on behalf of the local branch of the bar whom you serve and govern. We need you, urgently, and we are happy to have you with us. Our ambition here in Chicago is without limit. We aim at no less than the finest collection of law material in the world. This is not a thing of tomorrow, nor of next year, perhaps not of our time, but it will come. I used to think that the older libraries of England and the eastern states had too great a start with their vast financial resources and their treasures of manuscripts and unique books, unattainable by us; but photography is a great leveller and equalizer of opportunity in the world of books, and this, with a union card-catalogue, putting all our material readily at the disposal of any student, *and* the reaction that is sure to come from the present strong tendency of great fortunes to gravitate towards the east, will some day let us fulfill our dream. Why (we ask) should the middle west, rich and busy (normally) in agriculture, commerce, industry, and all the values and activities of life, be second to any region of the world in that art and science which we profess and which makes the progress of man possible and its results lasting? It is primacy in this field—your field—that we have marked out for ourselves.

Your business, I take it, is, first, to supply the working equipment for the lawyer; and second, to restore his work to the status of a learned profession. I do not attempt to discuss the first point, which is a technical and difficult one, but I should like to be allowed to direct attention to the second, which I believe is sometimes neglected in law libraries. I am of those who think that it is as important to have Warren's *The Supreme Court in United States History* on the shelves of a law library as the advance sheets. But this, in spite of Mr. Warren's protestations, is a valuable law-book as well as a work of general history. I should go farther. I think that we must recover our love of books and learning. There is something to the satiric remark about the man who never took a book in his hands except to read it. A well-known English judge practised at the bar for many years in Westminster Hall and did not once visit Westminster Abbey, a few yards away. This makes a man what another English judge was glad to have avoided becoming—"a mere lawyer". Of course a law library cannot dupli-

cate a library of general culture, but the librarian may well be very liberal (within his means) in his decisions as to what books may be placed on his shelves.

John Ruskin thought that the chief difference between the educated man and the illiterate man, on the intellectual side, is in this: that the one "is learned in the *peerage* of words, knows the words of true descent and ancient blood, at a glance, from words of modern canaille; remembers all their ancestry, their intermarriages, distant relationships, and the extent to which they were admitted, and offices they held, among the national noblesse of words, at any time, and in any country". It is the same with legal doctrines. Not all books are of equal rank, not all judges are of the same authority. To many men a book's a book, and a decision a decision, but we ought to know that there are different grades, and you law librarians must be our guides, keeping us up to a higher professional standard of choice, making us discriminating students once more.

We recognize you as friends and indispensable helpers, and we wish you to think of us as sympathetic and grateful believers in your work.

Miss Harriet M. Skogh, of the Illinois State Library, Springfield, Illinois, read her prepared paper.

Miss Skogh: Madam President of the National Association of State Libraries, Mr. President of the American Association of Law Libraries, Members, and Friends:

It is my privilege to transmit to you the cordial greetings of Mr. Edward J. Hughes, Secretary of State and State Librarian of Illinois. He regrets that the manifold duties of his office have prevented his acceptance of our urgent invitation that he address this meeting.

I am honored by this opportunity to welcome you to the state of Illinois, to the city of Chicago, and to this 36th convention of our Association. Once before the American Library Association met in Chicago during another and a different fair, the World's Columbian Exposition of 1893. There too came a very much smaller group, the Association of State Librarians. They held two meetings, changed the name of their organization to State Library Association, and elected as President Melvil Dewey, then New York State Librarian. If I mistake not, our Miss Ahearn attended as State Librarian of Indiana. Their proceedings were not recorded in detail, but the editorial comment in the Library Journal about the library conferences of 1893 in Chicago was this: "The word which the librarians have brought back from Chicago was Success. The city itself is the image of success. The World's Fair is pronounced a success. The comparative exhibit is a success. The A.L.A. Library is a success. The conference was a great success." For this library conference of 1933 may history repeat itself.

I welcome you with that warmth of feeling the native born is bound to have when the home state is visited by known and highly regarded guests.

Illinois, the cross-roads of the nation, almost entirely bordered by rivers and the lake, has within it so much of the south, so much of the north, the east and the west, that you should all feel very much at home. At the lowest point of the state, where the Ohio reaches the Mississippi, is Cairo, farther south than Richmond, Virginia. Zion City, up along the Wisconsin border, is as far north as Hartford, Connecticut. There is variety enough in between. Motor over our splendid concrete roads and you may see the cotton and tobacco fields of southern Illinois;

the fruit orchards of the Ozark region a little further north; oil derricks, fluorspar and coal mines; miles and miles of corn and wheat fields; villages, towns and cities; acres and acres of hot house flowers; factories, mills and refineries; green pastures and dairy herds; a great university; a capital rich in historic memories and a metropolis by an inland sea.

There are significant evidences of prehistoric culture in the Cahokia mounds near East St. Louis and the mounds in the Illinois River Valley near Lewistown; but the historic shrines most revered in this state are those connected with Abraham Lincoln, his home, his tomb and monument in Springfield, the little village of Old Salem, and a wealth of other associations in central Illinois recalling his life there.

You think of Illinois as the prairie state. But it is more than that.

How I wish I might take you west of Chicago, from Freeport to Galena, Ulysses S. Grant's home town in the northwest corner of the state, over that scenic highway where on either side stretch vistas of hills and wooded lands that have reminded European travellers of the Black Forests of Germany, or the gentler beauties of the Bavarian Alps.

I should like to take you past the Savanna highlands, those steep cliffs along the Mississippi River not far south of Galena, that are not unlike the famed Palisades of the Hudson. Or along the Rock River Drive from Rockford south to Dixon past the famous Lorado Taft statue of Black Hawk majestically surmounting the hills opposite Oregon, and to the White Pine Forest of Ogle County not far away. Or, still further south, where Rock River flows into the Mississippi below Rock Island, to that mighty bluff long known as Black Hawk's Watch Tower. Or up to those precipitous crags along the Illinois River not far from Ottawa, where Marquette established the first mission in Illinois, and where LaSalle and Tonti in 1683 built Fort St. Louis. The name of this beautiful tract of wooded hills, Starved Rock State Park, forever calls to mind the story of the siege and extermination there of the last tribe of the Illinois Indians.

I should like to take you to the Piasa Bluffs on the Mississippi above Alton, or to Alton itself, with its steep hilly streets and its monument to Elijah Lovejoy, the abolitionist editor and martyr to the right of free speech. Or still further south, about fifty miles below St. Louis, to Fort Chartres Park along the Mississippi River, where hills and lowlands add scenic interest to the historic setting of the early French empire in Illinois and the later British colonial occupation. Or over in the southeast part of the state, along the Ohio River, to Fort Massac Park near Metropolis. DeSoto occupied this hilltop, we are told, only 50 years after Columbus discovered America. The monument there now records that from that point George Rogers Clark and his band of Kentucky "Long Knives" set forth in June 1778 against the British and Indians in the Revolutionary War, and that there the United States flag was for the first time unfurled in Illinois.

I am trying to show you that Illinois is not all, as our song has it, "prairies verdant growing." The message I bring to you today from all of these hilltops is that of welcome.

Since July 5, 1847 when "Long John" Wentworth gathered together in Chicago three thousand delegates for a River and Harbor Convention, Chicago

has been welcoming conventions, and has made greater and better provision for the strangers within her gates. There is no question about your welcome here. The contrast between the Wigwam where Lincoln was nominated in 1860 and the Stadium, where 25,000 people witnessed the nominations of Hoover and Roosevelt in 1932, is tremendous, but the spirit of the city is the same. Courage, initiative, perseverance, idealism—yes, idealism, notwithstanding everything to the contrary you may have read or heard—these are the qualities that have made Chicago the amazing city it is today.

I can be extravagant in praising the achievements of Chicago without being obnoxious, I trust, for, as the person of whom I ask directions in a strange city invariably remarks, "I don't live here. I'm just visiting." Consequently there is no element of shared conceit in my theme, only wonder and admiration.

The little town of 150 inhabitants incorporated in 1833 has become the Chicago of nearly three and a half million population in 1933.

Bridging the gap between the Fort Dearborn of 1804 (you will see a faithful reproduction of that on the Fair Grounds) and the Soldier Field and the skyscrapers of Michigan avenue and Wacker Drive of today requires a considerable flight of the imagination. The first commander of that Fort was Captain John Whistler, whose grandson, the famous artist James McNeill Whistler, died only thirty years ago. It seems incredible that this city has become what it is within so few generations.

Daniel H. Burnham, as a young man, began his architectural partnership with John W. Root in 1873, two years after Chicago had been laid in ashes by the Great Fire. Less than twenty years later he directed the construction of that universally lauded White City in Jackson Park which was the World's Columbian Exposition of 1893. The Fine Arts Building, restored and rebuilt as the Rosenwald Museum of Science and Industry, stands today as a lasting memento of its classic design. Out of the planned loveliness of that exposition came insistent ideas for the permanent enrichment of Chicago.

The influence of books is a favorite topic with librarians. It would be hard to find a book which has had a greater influence on civic beauty than the book which bears on its title page the names of Daniel H. Burnham and Edward H. Bennett, architects, issued by the Commercial Club of Chicago in 1908 under the brief title "Plan of Chicago". Pictures by Jules Guerin added glamour to an already fine piece of Lakeside Press bookmaking. It was a dream, given substance, made tangible and workable as a practical pattern; and its ideas have figured largely in the beauty you see all about you in Chicago today. Burnham died in 1912, before much had been accomplished on the innovations he proposed, but the plan has been carried on. Truly one is reminded of the lines which inspired Lorado Taft's majestic Fountain of Time out on the Midway "Time goes, you say? Ah no! Alas, Times stays; we go".

"A very high purpose will be served if the Lake Shore be restored to the people and made beautiful for them" said Burnham a few years after the Fair. That was the beginning, but it was only one of the improvements proposed by The Plan of 1908. The whole scheme was stupendous. Not all the concentrated wealth of the entire Commercial Club membership could have put it into execution. But visionary as it was, there was in it too much sound reasoning for it not to

command attention. It became a municipal project, guided and advised by the Chicago Plan Commission.

And because of it today Chicago is adorned at the west, north and south by miles and miles of forest preserves, and at the east by a more beautiful water front than has any other inland city. The outer drive from Jackson Park to Evanston extends now about twenty-five miles along the Lake Shore, and will eventually be carried from the Indiana line to Milwaukee. Between Grant Park and Jackson Park more than a thousand acres of land have been reclaimed along the Lake Michigan shore line, and most fittingly named Burnham Park—now the site of the Century of Progress Exposition. A new Union Station has been finished and another, for the Illinois Central along the lake shore, proposed. A quadrangle of spacious widened streets has diverted through traffic from the congestion of the downtown streets: magnificent Michigan avenue on the east, Roosevelt Road on the south, Canal street on the West, and on the north, where the cluttered produce markets of South Water Street used to be, there is now along the Chicago River a splendid two level boulevard, named Wacker Drive in honor of Charles H. Wacker, for seventeen years chairman of the Chicago Plan Commission.

Impressive Buckingham Memorial Fountain in Grant Park is a fitting center in an area which probably provides more free education and entertainment than any similar space elsewhere in the world. The Art Institute with its art school, its Ryerson Library of Art and Burnham Library of Architecture has also its Kenneth Sawyer Goodman Memorial Theatre. Field Museum of Natural History, the Adler Planetarium—unique in this country, the Shedd Aquarium, and the mammoth stadium of Soldier Field, are too well known to require comment, except that they fit in with another objective stated in the Chicago Plan, the development of centers of intellectual life and civic administration so related as to give coherence and unity to the city.

The University of Chicago, with its Harper Memorial Library, its Oriental Institute, and its epoch making social and scientific research, and Northwestern University with its new Deering Library in Evanston and its McKinloch campus, Elbert H. Gary Library of Law, and medical center in downtown Chicago are the two largest educational centers, but there are many others.

Libraries are everywhere. In the Directory of libraries of the Chicago area, published by the Chicago Library Club this year there are listed 437 public, high school, college and university and special libraries. The Chicago Public Library, The John Crerar Library with its scientific and technical collections, Newberry with its history and literature specialization, the Chicago Historical Society, the Municipal Reference Library and the law libraries will have real interest and a welcome I am sure for these state and law librarians.

The Chicago of the literary folk, the churches, the theatres, and symphony orchestra, the opera, the shopping district, the Board of Trade, Hull House and the other settlements, the foreign districts, the stockyards, the broadcasting studios, the press—there is no end to its fascinating variety and to all this you are welcome.

To the Century of Progress Exposition you will be officially welcomed on Thursday, but the color and light over there send out their own brilliant invitation to you to spend within the gates of the Fair as much time as can be spared between the sessions of this conference.

Scientific achievement, the major theme, brings out everywhere vivid contrasts between the old and the new. Extraordinary effects have been produced by unfamiliar uses of modern materials. Perhaps you will like it—perhaps not—but it is a memorable spectacle and one which without doubt has much significance for our age and the future, scientifically, industrially and socially.

May your visits there and your conference here be both pleasant and profitable.

Chairman Magee: Thank you, Miss Skogh. I am sure I voice the sentiment of every member of the assembly when I say that we appreciate your welcome. The Bay State sends us a representative of the Association to respond to the beautiful addresses of welcome. Mr. Redstone has the distinction of being the Treasurer of Public Documents, the keeper of the keys of the Treasury. Mr. Edward H. Redstone, Massachusetts State Library, Boston, Massachusetts.

Mr. Redstone read his prepared paper.

Mr. Redstone: It has always seemed to me that we librarians were a particularly happy and congenial group. There is very little scheming after office, or seeking of important positions, but there is a great deal of sincere and genuine desire to work out through the National Association the very best ways of serving our public and it gives me great pleasure to be here and respond to the splendid greetings from the State of Illinois.

Some one has said that San Francisco is the geographical center of the United States. Washington is the legislative center. Chicago is the center of American opportunity and when we say "Chicago" we speak of Illinois. A Yankee is always a Yankee; a Southerner has the Southland born in his bones; the west in the Westerner out-crops above all else; and Illinois is the United States in essence. It is fitting, therefore, that after forty years the American Library Association and its sub-divisions should make their second visit this year and enjoy with you your great Century of Progress Exposition with the success of which the citizens of this city and state have surprised the world.

I have been very much impressed by that sentence in one of Edna Ferber's books—*Personality Plus*—that it seems to me, is the sort of thing that we librarians need. We need to throw into our work every ounce of interest, every ounce of personal magnetism and personal influence that we have in order that the person with whom we are dealing shall feel that we are profoundly interested in finding out exactly the thing that he wants.

Library service has two elements in it. It has the element of the borrower, the man who must come and ask before you can do anything for him, but your response, my response, the response of the library profession generally, to him makes all the difference in the world as to whether that desire of his dwindles and dies under the blazing scorn of our unsympathetic approach, or whether it widens out and opens up and more and more he pours out his heart to us because he discovers that we are really interested in him. It is this element of "personality plus" which it seems to me, more and more, must be cultivated by us if our library service is to accomplish the thing which we intend it to accomplish.

What your library, is, that is, its efficiency, its success, and its real accomplishment is going to depend—not on any system you adopt, not on your classi-

fication, not upon your Library of Congress Cards, not upon any mechanism—but it is going to depend upon your efficiency and your accomplishments, and your achievements. The problem that lies before us as librarians today, as it seems to me is the great one of how we can make ourselves the most efficient force for public service which can be conceived, that means of course in the first place, the great problem of recruiting. Some of us are keeping time with the calendar; we shall soon pass off the stage; we must see to it that there are flowing into our ranks, all the time, select men and women who are thoroughly capable of being the kind of librarians that we ourselves aspire to be. But how are we going to have such people unless they are sought out and interested in the profession. There are so many avenues of service today, there are so many possibilities of a man's putting his life in, or a woman's putting her life in for good service to the community. The library service stands as only one of the many possibilities, and it should be peculiarly, it seems to me, the task of those who are librarians to find out in the young men and young women with whom they come in contact those who seem to us to possess the qualities of successful librarians, to talk with them about the possibilities of such work, to paint it in such attractive colors as to induce them to consider it as a possible avenue of service.

Then last of all, although we may criticize our profession as I have done, we must after all believe in it. I have no patience with the man who by his manner and by what he says before the general public gives the impression that the library profession is an uninteresting one. I like the man in any work really to believe in it through and through.

Chairman Magee: Miss Ashman of the University of Indiana Law Library, Bloomington, Indiana, will now respond.

Miss Ashman: Madam President, Mr. President, Ladies and Gentlemen: I wish I had the words to express adequately the response which each of us feels in his heart to the very cordial welcome we have just received. I can thank you most sincerely. We are most happy to be here.

We have been looking forward to this meeting. We have been looking forward to seeing our friends and making new friends among those interested in our profession. We are glad to be in Chicago at this time and review the record which the city has made in a hundred years of progress.

We wish to thank all of you who have made the arrangements for our convenience and comfort and entertainment, and particularly those responsible for our program. We are eager now to receive the inspiration which this program has to give us. On behalf of the American Association of Law Libraries, I thank you.

Chairman Magee: We are going to call on Mr. Cahill for a few words of welcome.

Mr. J. C. Cahill: (Callaghan & Co. Chicago, Ill.): I got up here today not without considerable embarrassment and considerable trepidation. I am tone deaf, and as the speakers have been talking this morning, I have been trying to determine the proper tone to be used. You know, you librarians live in a valley of silence. I never enter a library that I don't feel a bit awed. I try to modulate my voice. I can never imagine a librarian talking loud enough to

be heard at a distance of six feet, even under the influence of enthusiasm or anger. So I have been sitting here this morning, trying to determine how my voice should come forth.

You know the story of the Scotchman who had passed his allotted three score years and ten by a considerable margin. And Sandy was about to pass out of this world for another world, a better world, always, for a Scotchman. He was taken to the hospital and the doctor told him he had only a few hours to live. He asked the old Scotchman if there was anything he could do for him.

"So long as I am about to die", he said, "I would like to play the old songs of my country before I pass on. I wish you would bring me my bagpipes". So he began to play, at first very weakly because of his ebbing strength. Then they heard it a little stronger, and still stronger. In the morning, Sandy was well, but everyone else in the hospital was dead.

There are possibilities in that direction when you invite a layman to talk. There is one handicap in dealing with librarians, also. They say an Englishman laughs four times at every joke—first, when he hears it; second, when it is explained to him; third, when he understands it, and fourth when he tells it again. An American doesn't laugh at all. He has heard it before.

Now, there is nothing I can tell you or say to you that you haven't heard before, but my being here is not exactly a case of the wolf in the fold, though, there is plenty of prey here. There should be a strong affinity between law book publishers and librarians. It isn't a question of the hen and the egg—which came first. We came first.

The more you encourage us, the more important your own position is. I hope you will continue to encourage us, not only by purchasing all law books books published, but by urging us to publish more. One of the difficulties we law book publishers suffer from is a lack of intelligent, constructive criticism. What do we mean by constructive criticism? If we like it, it is intelligent and constructive; if we don't like it, it is not. If you will pass on all the intelligent, constructive criticism, we will appreciate it.

The other criticisms, of course, are from unintelligent lawyers who need your help. Of course they need your help. I hope you will give it to them in a kindly way. They are handicapped, and we can't be responsible. That is a burden the librarian must assume, not the law book publisher.

I could not add to the stirring words of welcome that you have heard here today, the most beautiful review of the points of interest and the history of Illinois that it has been my pleasure to have heard. It was truly beautiful. There is nothing I can add to what she has said and what Mr. King and Mr. Meegan and Mr. Johnson have said, except that the door is open. We are glad to have you; the house is yours.

Chairman Magee: Thank you. We will now have the memorials of our members who have passed on. President Clapp will now take the chair.

Mr. S. D. Klapp (President, American Association of Law Libraries, Minneapolis, Minn.): Since we last met, death has dealt rather unkindly with us. We have been unfortunate enough to have lost three former Presidents of our Association, and two very familiar faces at our previous conferences.

It was thought fitting at this joint meeting to bring them to mind with short memorials.

The first is for Charles B. Letton, State Librarian of Nebraska. Miss Elizabeth Mallalieu, of the State Library at Lincoln, Nebraska, will present the memorial for Mr. Letton.

Miss Mallalieu read the memorial.

Miss Mallalieu: Honorable Charles Blair Letton, State Librarian of Nebraska from January 1, 1927 until his death on May 1, 1932, was truly a pioneer of Nebraska. Born in Edinburgh, Scotland, on October 25, 1853, he came to Nebraska with his parents at an early age. His early education was acquired in the schools of Edinburgh, Glasgow. He was graduated from the State Normal School at Peru, Nebraska, in June 1879, and soon thereafter commenced the study of law in the office of a practicing attorney in Fairbury, Jefferson County, Nebraska. Upon his admission to the bar he rose rapidly in his chosen profession and soon embarked upon a career of public service which he was destined to follow until the date of his death. He held successively the offices of County Attorney, District Judge, Supreme Court Commissioner and Judge of the Supreme Court, and in each position served with credit to himself and distinction to the legal profession.

During the twenty years of his service on the Supreme Court of Nebraska, he contributed much to the growth of the law of his state. He was possessed of a clear, analytical mind, a courageous nature and character unquestioned. He was a man of strong convictions, a tireless worker and forceful in the exposition of his views. His works are a lasting monument to a long and useful life.

Shortly after his retirement from the bench, Judge Letton was appointed clerk of the Supreme Court and State Librarian. To this position he brought a thorough knowledge of his field and ripe judgment in administration. He was ever progressive in thought and keenly interested in the growth and development of the library.

In the death of Judge Letton his department lost an aggressive leader, the legal profession one of its most valuable members, and the state an outstanding and honored citizen.

Mr. S. D. Klapp: The memorial for Mr. Luther E. Hewitt, former Librarian of the Philadelphia Bar Association, and former President of the American Association of Law Libraries, will be presented by Mr. James C. Baxter, librarian of the Philadelphia Bar Association.

Mr. Baxter read the memorial for Mr. Hewitt.

Mr. Baxter: Luther Edmunds Hewitt, Librarian of the Philadelphia Bar Association died suddenly at his home on September 27, 1932, having suffered a stroke in the early morning of that day.

While he had been in ill health for some time, he continued in the performance of his duties as Librarian until the day before his death.

Mr. Hewitt was born in Philadelphia, the son of James H. and Zerniah Edmunds Hewitt. He received his early education in the local public schools; was graduated from the Central High School and studied law in the office of Samuel W. Reeves, Esq. After his admission to the bar in 1879, he served as

law clerk to Hon. Clement B. Penrose of the Orphans' Court. He was appointed Librarian of the Bar Association in June, 1892.

In his capacity as Librarian, Mr. Hewitt was well known to almost every member of the Philadelphia Bar, having engaged in that work for slightly over forty years. During that long period of time he developed the facilities and usefulness of the Law Library to its present high standard. He contributed to the literature of the law numerous articles and reviews on various subjects of interest to the profession, a number of which are published in the Law Library Journal.

I recall his singleness of purpose steadily to improve the library, his penchant for legal research and his desire to aid all those who sought his advice, his unassuming modesty, his personal pride in all contributions to the literature of the profession made by other members of the bar, and his cordial friendship for the entire bar, whether in the Association membership or out of it.

Mr. Hewitt was a charter member of the American Association of Law Libraries. He was Vice-President in 1910-1911 and was elected President in 1916. It was largely due to his efforts, as Chairman of the Committee on the Index to State Legislation, that Congress made an appropriation for the publication of the Index. Mr. Hewitt took an active interest in the Association and was present at the annual meetings until ill health prevented his attendance.

He had also been a member of the National Association of State Librarians since 1910.

Mr. Hewitt is survived by his widow; two sons, Robert P. and William, and two daughters, Margaret Hewitt Rhoad and Emily Ward.

Gone as he is from us, he has left a memory which will long abide. The spirit of his companionship will long be with us. We miss, and shall miss, a true and sincere friend; one whose standards were high, whose ideas were inspiring.

"Who misses or who wins a prize,
Go lose or conquer if you can;
But if you fail, or if you rise,
Be each, pray God, a gentle man."

Mr. Klapp: Mr. T. L. Cole was not a librarian. He was an Associate member of our Association, but he was a familiar figure to all of us, and we are all indebted to him for the very useful information he used to give us. His memorial will be presented by Mr. A. J. Small, State Librarian of Iowa.

Mr. Small read the memorial for Mr. Cole.

Mr. Small: In the fullness of time and on completion of an active life, death has removed a beloved member of this Association, Theodore Lee Cole, who passed to his eternal rest on December 27, 1932, in the city of Upper Montclair, New Jersey.

He was born in Albany, New York, December 26, 1852. In early life he moved with his parents to La Crosse, Wisconsin. He was graduated from the State University of Wisconsin in 1871, and later entered the law book business with the firm of Soule, Thomas and Wentworth of St. Louis, Missouri. In 1885

he organized the Statute Law Book Company in Washington, D. C., and in the same year married Kate Dewey who preceded him in death. He retired from the Statute Law Book Company in July, 1931, having sold his interest to his partner, Imri L. McCloud.

Mr. Cole was a member of a number of associations including the Bibliographical Society of America, The American Political Science Association, The American Association of Law Libraries, The American Library Association and the Cosmos Club in Washington, D. C.

He was especially interested and active in bibliographical work, and in the later years of his life gave much time to a bibliography of American statute law. It is to be regretted that he was not spared to complete this important work to which he was devoted and which required technical knowledge and ability for which he was qualified. It is a work that would have been not only a monument to him, but one long sought by libraries and the legal profession.

In the passing of this good and useful man we have suffered an irreparable loss.

Therefore, Be it resolved, that we extend our sympathy to his only son who is in the Consular service at Riga, Latvia, and that a copy of this resolution be forwarded to him.

Done in the city of Chicago this 16th day of October, 1933.

M. Klapp: The memorial for John T. Fitzpatrick, State Librarian of New York, and former President of our Association, will be presented by Miss Frances D. Lyon of the New York State Library.

Miss Lyon read the memorial for Mr. Fitzpatrick.

Miss Lyon: At the request of the President of this Association, I present the following memorial to the late John Tracy Fitzpatrick, one of our past presidents, who died at Tupper Lake, New York, May 16, 1933.

John Tracy Fitzpatrick was born in Washington, D. C. on January 6, 1878. He later removed to Albany, New York, where he resided until his death. After being graduated from Cornell University in 1900, he entered the Albany Law School. Completing his course there in 1903, he was admitted to the Bar of New York the same year. Later he joined the staff of the New York State Library as assistant in sociology, advancing to the position of Legislative Reference Librarian in 1913. On the retirement of Hon. Frederick D. Colson as law librarian in 1915, Mr. Fitzpatrick was appointed in his place and continued to serve as State Law Librarian until June, 1930, when he resigned to accept the position of First Deputy Supreme Court Reporter, which position he occupied until the time of his death.

Mr. Fitzpatrick married Marcella C. Coughlin of Troy, New York, in 1918. The widow and a son, John Tracy, survive.

When the United States entered the World War, Mr. Fitzpatrick was appointed to the Reserve Officers' Training Camp, Madison Barracks, New York, Company 5, 3d Provisional Regiment, and after being honorably discharged was made chairman of Station No. 2, legal advisory board, Albany County, serving in this capacity until August 1918, when he was commissioned 1st lieutenant, First Light Ordnance Department of the United States Army and later was made Chief of the Communications Section of the Administration Division,

Office of the Chief of Ordnance. He was honorably discharged January 23, 1919.

After the war, Mr. Fitzpatrick became an active and enthusiastic member of the American Legion and gave freely of his services in compiling a volume of "New York State Veterans' Laws", which was published by the Secretary of State, and proved so useful that a second edition was issued in 1932.

Mr. Fitzpatrick was most skillful in editorial work, including annotating and indexing. For many years, the work of editing the New York session laws was part of the law library program and as law librarian, Mr. Fitzpatrick devoted many weeks each year to editing the laws. He was recognized as an authority in this field and became the editor of an annual edition of the Tax Laws of New York; the New York Village Laws; Selected Statutes of the State of New York, as well as of Parson's New York Code of Civil Procedure; Bender's Penal Law and Code of Criminal Procedure; Cook's Criminal Code of New York; Supplements to Bliss' Code of Civil Procedure; Parsons' Practice Manual of New York; and Gilbert's Civil Practice. He also contributed various periodical articles on phases of the law in which he was particularly interested.

Mr. Fitzpatrick always gave generously of his time to outside activities. As President of this Association, he was conscientious and greatly interested in formulating the programs for the annual meetings. For a number of years, he served as Secretary of the Sons of the Revolution, Philip Livingston Chapter, and his interest in the American Legion has already been referred to. Mr. Fitzpatrick was a member of the State and Albany County bar associations, as well as of several local clubs.

In his personal and professional relations, he was a generous and trusted friend, respected for his unflinching fairness and sympathy. The members of this Association can well recall his devotion to wife and son, who invariably accompanied him when attending these meetings.

In short, John Tracy Fitzpatrick was a public servant of the highest order; an altruistic member of society; a conscientious and zealous worker, and always the unassuming gentleman.

Mr. Klapp: Another former President and charter member of this Association was Andrew H. Mettee, librarian of The Library Company of the Baltimore Bar, who passed away very recently. We all knew him and liked him very much. His death was so recent that we didn't have time to prepare a memorial for him, so I will read the clipping from the Baltimore paper.

Mr. Klapp read the clipping from the paper as a memorial to Mr. Mettee.

Mr. Klapp: METTEE.—On September 30, 1933. ANDREW HARTMAN, husband of Irene E. Mettee (nee Gifford).

Funeral services for Andrew Hartman Mettee, a lawyer and the librarian of the bar library in the Courthouse for forty-three years, will be held at 10:30 A. M. tomorrow at the home, 3430 University Place. Services at the home will be in charge of the Society of Friends. Monumental Lodge of Masons will take charge of the services at the cemetery.

Mr. Mettee was a graduate of the City College in 1889 and of the University of Maryland Law School in 1891. Being under the age of twenty-one he had to wait for a year before he could take the Maryland State Bar examination.

As a student he had been interested in library work and during his vacations worked at the bar library. During his many years as librarian he had compiled an index according to subjects, of which it is said there is no other like it in a law library.

HEADED LIBRARIANS' GROUP

For three years he served as president of the law division of the American Librarians' Association, a division which he initiated twenty-nine years ago and of which he served as a member of the board.

He also was secretary of the German Historical Society and was compiling at the time of his death a geneology of early German settlers in Maryland. This volume is not complete.

In 1901 he married Miss Irene E. Gifford, of Brooklyn, N. Y., who survives him. A daughter, Miss Katharine Mettee, also survives. His only son, Andrew H. Mettee, was killed in an airplane accident several years ago. His grandson, Andrew Mettee 3d, survives him.

Mr. Klapp: The American Association of Law Libraries will now adjourn until two-thirty this afternoon.

The meeting adjourned at eleven-thirty o'clock.

MONDAY AFTERNOON SESSION

OCTOBER 16, 1933

The opening session of the Twenty-eighth Annual Meeting of the American Association of Law Libraries, held at the Stevens Hotel, Chicago, Illinois, October 16-20, 1933, convened at two-fifty o'clock, Mr. S. D. Klapp, President of the Association, presiding.

President Klapp: The meeting will come to order, please.

President Klapp continued by reading his prepared report.

President Klapp: I notice by the program that the first business this afternoon is an address by the President. The President has no intention of inflicting an address on you at this time but I will call your attention to several matters which may be of interest to the membership.

Last December this Association was asked by Professor Chamberlain of Columbia University, to appoint a committee to appear with him and his committee before the Appropriation Committee of Congress for the purpose of opposing any further cuts in the appropriation for publishing the State Law Index. Mr. George Godard, State Librarian of Connecticut, was asked to serve as a representative of this Association. However, Congress was adjourned before this appropriation was reached so there was no need to appear at Washington. At the suggestion of Mr. Vance, Law Librarian of Congress, a resolution opposing the cut was drawn up by our Secretary and after being signed by members of the Executive Committee, a copy was forwarded to Hon. Herbert Putnam, Librarian of Congress and to Dr. H. H. B. Meyer, Director of Legislative Reference Service. As any further cuts in this appropriation will result in the discontinuance of the State Law Index, it might be proper at this Conference, in conjunction with the

National Association of State Libraries, to take some action in opposition to further cuts and to reinstate the original appropriation.

In compliance with the general feeling of the membership, expressed at New Orleans, that the Proceedings of the Conference should be published in full in the first issue of the *Law Library Journal* published after the Conference, the Proceedings of the New Orleans Conference were published in full in the July, 1932 number. In the past, as you know, these proceedings have been spread through the several issues of the *Journal* and at times were not all in print at the time the next Conference was held. By publishing them in one number, however, it was quite a task to find material for the subsequent numbers.

Your Executive Committee decided to discontinue the Check-List of State Reports and Session Laws, formerly carried in the *Law Library Journal* as all members of the Association receive the *Law Library News*, which carries a check-list, revised monthly. The Committee felt that the expense of printing the *Journal* could be lessened by the elimination of this check-list. While the matter will, no doubt, come before you in the report of the Committee on Index and Journal, the future of the *Law Library Journal* should receive some thought from the members before the committee report is made.

During the past year several of our members have had the misfortune of being on the wrong side of the political fence, and as a result are not now employed. It is certainly not a compliment to our profession that the executives of some of the states are under the impression that training and experience are not necessary qualifications for the proper administration of state and county law libraries. Perhaps it would not be amiss at this Conference to consider if some plan could be worked out in which the cooperation of bar associations could be enlisted to oppose such political changes.

This brings up another matter which might also be considered at this time. Our secretary, Mrs. Mills, and myself, (and perhaps some of you) have received letters from law librarians and assistant law librarians, victims of this political upheaval, asking if there were not some way in which they might find places through the Association. While the question is rather a delicate one, because any method adopted will at times raise false hopes, we ought to be able to work out some plan by which some assistance can be rendered through the Association to those needing it.

Since we last met three former presidents have passed away: Luther E. Hewitt, John T. Fitzpatrick and Andrew H. Mettee. Two of them, Mr. Mettee and Mr. Hewitt were Charter members. Death has also claimed an associate member whom most of us knew and liked, Mr. T. K. Cole. Mr. Cole's death brings again to our minds a question we have frequently discussed in the past, the publishing of his State Law Bibliography. Several years ago we were in hopes that it was about to be published but it was not. I understand that his manuscript is now in the hands of Mr. McCloud and while we all hope that Mr. McCloud will be with us for many years to come, there is a possibility that this extremely valuable material might be lost to us. It would seem that with the help of other, affiliated associations it might be possible to interest some foundation or some of our larger colleges to save this valuable historical material, the painstaking work of almost a life-time, from oblivion.

We have had some disappointments in arranging our program for this week, and have also had to make some last minute changes. Mr. Mettee had planned to present a paper on Dutch-Roman Law in Law Libraries and was working on it at the time he was stricken.

Mr. Roalfe, who was to preside at one of the round tables, was, I am sorry to say, taken ill on his vacation and is still ill in Los Angeles. Mr. Glasier has kindly consented to take his place. Miss Elliott of the University of North Carolina, who was to give the response for our Association to the addresses of welcome, was at the last minute obliged to forego her attendance. Miss Ashman has graciously given the response.

After all, the primary benefit we all derive from these conferences is the personal contacts. We all look forward to meeting old friends and making new ones. It is hoped that no one will hesitate to bring up any matter that they may be interested in for informal discussion.

For quite a number of years I have been secretary of one and sometimes two bar associations. Early in my first term I learned that the secretary was really the mainspring of the association, was the one on whom most of the burden of keeping things going fell. During my term as your President, I found that this Association was not different in that respect from bar associations, except that our secretary is much more efficient than the secretary of the bar associations above referred to. I am greatly indebted to her, as are we all, and I am indeed glad to pay my tribute to Mrs. Mills.

President Klapp: Before we proceed to the next order of business, does anybody want to ask any questions? (None)

The next order of business will be the report of the Secretary-Treasurer, Mrs. Mills.

Mrs. Mills read her report.

Mrs. Mills: The present membership of the Association is 207, a decrease, I regret to say, of 11 from the number reported last year. This total is made up as follows: life members, 8; regular members, 168; and associate members, 31.

Fifteen new regular members and three associate members have been added to the roll during the period covered by this report. Six memberships have been assumed by successor librarians. One associate member became a regular member, and one regular member became an associate.

Nine members have resigned, and nine other memberships have been cancelled for non-payment of dues over a period of three years.

As hardly four months of the present Association year have elapsed, I will not report as arrears any dues not paid for this year. Nineteen regular and five associate members are in arrears for dues for two or more years.

I report with deep regret the following deaths of members of the Association:

Theodore L. Cole, Dec. 27, 1932
Katharine L. Cuthbert, May 7, 1932
John T. Fitzpatrick, May 16, 1933
Carl Heindl, July 17, 1932
Luther E. Hewitt, Sept. 27, 1932
Andrew H. Mettee, September 30, 1933.

At our last annual meeting an amendment was made to the By-Laws of the Association making it a rule to publish the full Proceedings of the Annual meeting as soon as possible after its adjournment. The Proceedings of the New Orleans Conference were published in the July issue of the "Law Library Journal". The succeeding issues of the Journal have been issued regularly in connection with the Index to Legal Periodicals, and have been made up of contributed articles.

The receipts and disbursements for the period are as follows:—

	Index Fund	Dues Fund	Total
Receipts	\$*978.77	\$852.90	\$1831.67
Disbursements	824.88	*309.46	1134.34
Balance	153.89	543.44	697.33

(*500 was transferred from Dues Fund to Index Fund)

Receipts, April 15, 1932 to October 10, 1933:

Balance in bank, April 15, 1932	\$792.43
Dues collected	
— Arrears \$ 40.00	
— Current 957.00	
— Advance 5.00	
	1002.00
National Association of State Libraries' share of reporting joint meeting in New Orleans	2.25
Sale of Law Library Journals	16.65
Interest credited at bank	18.34
	1831.67

Disbursements, April 15, 1932 to October 10, 1933:

Editorial work on Index	\$824.88
Reporting New Orleans Conference	62.76
Affiliation dues, A.L.A., 1933	11.00
Printing—	
Programs for New Orleans Conference	10.50
Letter heads, envelopes and dues bills	26.00
Postage and stamped envelopes	24.73
Secretary and Treasurer—	
Salary for Association year ending June 30, 1933	150.00
—Petty cash account	24.47
	1134.34
	\$ 697.33

President Klapp: You have all heard the report of the Secretary-Treasurer. What is your pleasure?

Mr. A. J. Small (Iowa State Library, Des Moines, Iowa): I believe it would be satisfactory to Mrs. Mills that the accounts be audited. I am sure they will be found correct, and I move that that portion of the report relating to finances be referred to the Auditing Committee.

The motion was seconded, voted upon, and carried.

President Klapp: The next order of business is the report of the Committee on Membership, by Miss Parma. Miss Parma wasn't quite sure whether she could get here or not, and evidently has not, but I am glad to say that there are quite a few new members.

President Klapp read the list of new members.

President Klapp:

Allen, Fern L., Librarian, Syracuse Univ. College of Law.

E. Hugh Behymer, Asst. Univ. of Indiana Law Library.

Craig, Edna M., Asst. McGill Univ. Law Library.

Daniel, A. Mercer, Howard Univ. School of Law.

Duke University Law School Library.

Johnson, John H., Supreme Court Library, Austin, Tex.

Harrington, Ruth, Wyoming State Library.

Lomer, Gerhard H., McGill Univ. Law Library.

Lowry, Tom, Oklahoma State Library.

Miller, Helene, Asst. Librarian, Iowa Univ. Law School.

Miller, Neville, Dean in charge of library, Univ. of Louisville.

Severns, Roger, Chicago Kent College of Law.

Thorne, Samuel E., Northwestern Univ. Law School.

Turner, George H., Nebraska State Library.

Yale Law School Library.

ASSOCIATE MEMBERS

Issaac, Max, 11 West 42nd St., New York, N. Y.

Leslie, V. A., 509 Fifth Ave., New York, N.Y.

Smoot, Lawrence K., Reporter for Supreme Ct., Austin, Tex.

President Klapp: The next order of business is the report of the Committee on Reprinting of Articles in Legal Periodicals, by Miss Helen S. Moylan.

Secretary Mills read Miss Moylan's report.

Secretary Mills: As stated in last year's report the answers to the questionnaire on what periodical articles should be reprinted resulted in a long list of articles but very few of these articles were listed by more than one library. In order to make reprinting possible quantity orders are necessary and it has therefore been a problem to know what to do. Only a slight beginning has been made but this has revealed that the situation may be considerably helped by the law reviews themselves. Among the articles which the law school libraries wanted were a number of articles on the subject of Trusts by Professor Scott of Harvard. As you no doubt know the Harvard Law Review has recently republished in one volume all of Professor Scott's articles on Trusts and this may be obtained for \$1.00 a copy. The Review is planning another volume which will contain all of Professor Morgan's articles on Evidence. They are also willing to reprint, at a reasonable price, any article for which there is sufficient demand, say a minimum of one hundred copies. Undoubtedly other reviews which keep the plates from which their issues are printed will

be willing to do the same. This matter will be followed up further and libraries interested given a chance to consolidate their orders in order to guarantee, if possible, the minimum number of copies needed to make reprinting possible.

President Klapp: You have heard the report of the Committee on Reprinting of Articles in Legal Periodicals. If there is no objection I will just have it filed with the Secretary.

The next order of business is the report of the Committee on List of Names in Standard Legal Directory, by Miss Ryan. Before Miss Ryan gives her report I would like to say that I think most of us have taken quite a little for granted in this committee's work. I had no idea that it involved so much work, and of course it all fell on Miss Ryan. It is quite a task to circularize all the law libraries in the United States, and I would like to have the membership know that it was quite a task that Miss Ryan has done so well.

Miss Anna M. Ryan, Law Librarian, Buffalo, New York, read her prepared report.

Miss Ryan: Report of the Committee on the List of Law Libraries for the Standard Legal Directory, 1932-1933:

The Committee on the List of Law Libraries to appear in the Standard Legal Directory was appointed in December to correct and bring up to date the list which is published annually.

The results were not quite as satisfactory this year as in previous years. The delay in answering our questionnaire in time for publication can no doubt be accounted for by the fact that many librarians were busy or away for the holidays.

President Klapp: If there is no comment on this report from Miss Ryan we will file it with the Secretary.

We will now hear the report of the Committee on Bar Association Reports, the Chairman of which is, of course, Mr. Small.

Mr. A. J. Small read his prepared report.

Mr. Small: To the Officers and Members of the American Association of Law Libraries:

I herewith record as a supplement to my reports of 1927 and 1932 all new items and changes made in the publications of state bar and allied associations, so far as known, with additions and casualties which have taken place since those dates.

The depression has caused the curtailment of some publications and the consolidation of others. Some associations have discontinued issuing separately published proceedings and have begun the publication of either a monthly or quarterly periodical. Where proceedings are published in periodicals, they usually appear in the first or last number of the volume. Proceedings which are published in installments throughout the volume have proven unsatisfactory. Fortunately this method is used in but few instances.

We have not as yet been able to devise or find an automatic system for the distribution of bar proceedings, much as it is desired. Where distribution has been given over to librarians it is very satisfactory. When proceedings are

printed in a number of the association's publication, they come regularly if you take the periodical.

I conclude this report with a tabulation of the changes and additions, as follows:

DISTRIBUTIONS

The state librarian of New Hampshire has taken over the exchange of the proceedings, hitherto distributed by the secretary. This is the only change in the manner of distribution of proceedings, so far as known, since my report of last year, except that the proceedings of Kansas, South Dakota and Utah are now published in their Bar Journal.

BAR PROCEEDINGS PUBLISHED IN OTHER THAN REGULAR FORM

Kansas:

The proceedings are now published in the first number of each volume of the Kansas State Bar Association Journal, beginning with volume 1, no. 1, August, 1932. Continuous paging.

South Dakota:

Proceedings are now published in one number of the South Dakota Bar Journal, beginning with 1932. The first proceedings appeared in volume 1, no. 2, separately paged.

Utah:

The annual proceedings are now published in a special number of the Utah Bar Bulletin issued in January, beginning with 1932.

BAR ASSOCIATION OFFICIAL PROCEEDINGS

Washington:

A law was passed in 1933 creating an integrated bar and the proceedings of the state bar association will be published in a separate volume. Since 1928 fragmentary proceedings have been published in the Washington Law Review.

BAR ASSOCIATION OFFICIAL PUBLICATIONS

Duke University:

The student body of the Duke University School of Law organized as a bar association and began the publication of a 52 page, 6" x 9" periodical entitled "Duke Bar Association Journal" in March, 1933. The dates of issue and subscription price not given. It contains general articles and case reviews. Said to be the first periodical of its kind ever published.

Federal Bar Association:

In September, 1931, the Federal Bar Association of Washington, D. C. began the publication of a 48 page, 7" x 10" periodical entitled "Federal Bar Association Journal", published semi-annually in the months of October and March. The contents consist largely of papers, speeches and addresses. Subscription price \$1.00 per year.

Kansas:

The Kansas State Bar Association began the publication of an attractive 107 page, 6¾" x 10" periodical entitled "Journal of the Bar Association of the State of Kansas" in August, 1932. It is published quarterly in the months of August, November, February and May, the first number of each volume containing the proceedings. The other three numbers contain interesting articles and other material of interest to the profession. Subscription price \$3.00 per year, libraries \$2.00.

Kentucky:

The Kentucky Law Journal became the official organ of the state bar association beginning with volume 20, May, 1932. Before that time it was an exclusive publication of the Kentucky University College of Law.

Minnesota:

In November, 1931, the Minnesota State Bar Association began the publication of a 4 page, 12½" x 17" official quarterly, entitled "The Bench and Bar of Minnesota". It contains announcements and articles of general interest. Proceedings published separately. No subscription price given.

South Dakota:

The State Bar Association began the publication of a 70 page, 6" x 8½" quarterly in July, 1932, entitled "South Dakota Bar Journal". It is published in the months of July, October, January and April, with proceedings published in the October number. Subscription price \$2.00 per year.

INTEGRATED BAR ASSOCIATIONS

The legislatures of several states have passed laws providing for the integration of state bar associations, namely:

Arizona:

The Arizona Legislature at its session in 1933 passed an integrated bar act to be known as "State Bar of Arizona" with prescribed regulations. Laws 1933, ch. 66.

Mississippi:

Ch. 121, Laws of 1932 provides for an organization to be known as the "Mississippi Bar Association" and defines its powers.

North Carolina:

The Legislature in 1933 provided for the integration of the "North Carolina State Bar" as an agency of the state. Public Laws 1933, Ch. 210. The secretary informs me that this act will not affect the old voluntary organization known as the "North Carolina State Bar Association".

Puerto Rico:

The Laws of 1932, page 522, provide for the organization of an integrated bar association, being a successor to the old "College of Lawyers" of Spanish times.

Washington:

The Laws of 1933, Ch. 94, provide for the creation of an association to be known as the "Washington State Bar Association" and regulates its powers and practices.

(There is an excellent article on integrated bar associations in the Utah Bar Bulletin, v. 1, no. 1, October, 1931.)

DISCONTINUED PERIODICALS

The Dakota Law Review discontinued its publication with volume 4, no. 4, December, 1932.

The Iowa State Bar Association Quarterly temporarily discontinued its publication with volume 3, no. 3, June, 1932.

President Klapp: Thank you.

Does anybody wish to comment upon Mr. Small's report?

Mr. Gilson G. Glasier (Wisconsin State Library, Madison, Wis.): I would like to ask Mr. Small if he keeps a list of the states that publish the bar proceedings. I have heard from New Hampshire that hereafter they will have State bar proceedings published.

Mr. Small: I am very glad to know of that. I have had considerable correspondence with several of the state librarians during the year, urging them to send us a certain number of their proceedings for exchange purposes.

Mr. Glasier: This arrangement has just recently been made.

President Klapp: The next report will be from the Committee on Memorials in State Reports. Dr. Wire is not in the room at the present time, so we will postpone hearing that report.

President Klapp: The next order of business at this time is the appointment of committees.

For the Nominating Committee I will appoint Mr. F. O. Poole, Chairman. I would like to have the Chairman of each committee pick the other members of the committee.

The Chairman of the Auditing Committee will be, as usual, Miss Ryan. She can pick her assistants.

The Resolutions Committee will have as its Chairman Mr. Small, who has been Chairman of that committee for a good many years.

Dr. Wire has now arrived. We are indeed fortunate in having him here to make his report.

Dr. Wire: Our honorable President calls upon me for a report on this subject at this time. As we all truly know, and sometimes forget, this committee was formally discharged two years ago. We could not report a satisfactory completion of our work at that time. Since then, as noted in that report, I have been at work as an individual along those lines, much as I was when the work was first begun.

In January, 1932, I sent on to Rocky Mountain Law Review, on their offer and suggestion, lists of memorials of these states: Colorado, Idaho, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Utah, and Wyoming, for printing in that periodical. We watched each number of that Review as it appeared, and waited patiently, but all in vain. After months of such watchful waiting, we began to write letters to the president of the university, to the dean of the law school, to the student editor. Finally after profuse apologies early in October, 1933, they returned to us, lists of these states: Colorado, Idaho, Nevada, New Mexico, North Dakota, South Dakota, and Wyoming, seven out of the ten lists sent on to them. That leaves me Montana,

Oklahoma, and Utah to do, and I then hope to have them all safely printed in the Law Library Journal. As I now recall, the only remaining states to be done, or printed or both, are California, Missouri, Oregon, and Rhode Island. The latter I have done, ready to print in the Rhode Island State Bar Association reports. If not so printed, I will endeavor to recover it, and send that on to the Law Library Journal.

Now I come to one of the joys of life. Miss Helen Newman, librarian of the George Washington University Law School Library, has compiled a list of the memoirs and other interesting matters found in the reports of the Supreme Court of the District of Columbia, which appeared in Law Library Journal 26: 33-36. I am sure we are all immensely pleased to have the younger members of our Association volunteer to carry on our work. Since making the first part of this report, literally from the floor, I have had the honor to call on Dr. J. H. Wigmore, of the Northwestern University Law School, and he has most graciously offered the columns of the *Illinois Law Review* for the printing of my *magnum opus*. This is a list of the memorials, rules of court, admissions to the bar, and other interesting matters, as found in the reports of the Supreme Court of these United States, Volumes 1-187. Due notice of the appearance of this, will I hope, be given in the Law Library Journal.

President Klapp: Thank you, Dr. Wire.

Of course, the name "Cranch" is a very, very familiar one to all Law librarians. Most of us, I guess, have just been satisfied to see his name on the outside label. We are very fortunate that one of our members has consented to write a paper, "William Cranch, Judge, Law School Professor, and Reporter," and we are greatly indebted to Miss Helen Newman, of George Washington University, who will now present her paper.

Miss Newman read her prepared paper.

Miss Newman: In presenting this paper to you it is my purpose to deal with the contributions made by William Cranch to the law, to law schools, and to law libraries, in his capacity as Judge, Law School Professor, and Reporter.

As a Judge of the United States Circuit Court of the District of Columbia, for fifty-four years, he handed down opinions which established precedents of great importance in our law today. His decisions in certain other cases were strong factors in bringing about the enactment of much needed laws in the District of Columbia. His rare courage and fine integrity enabled him to set a high standard of ethical conduct for the local Bench and Bar.

Cranch's wise planning as Professor of Law at The Columbian College resulted in the collection and preservation of the first books in the Law Library of The George Washington University.

It is in the role of Reporter of the United States Supreme Court Reports that law librarians know Cranch best. His reporting, however, included in addition, the publication of five volumes of the reports of the United States Circuit Court of the District of Columbia. He also reported the Patent Decisions which he rendered under a statute providing a right of appeal to him from a decision of the Commissioner of Patents.

Since this paper is to stress the contributions of William Cranch in the field of law, it seems appropriate to omit early biographical¹ data, and make the beginning of the paper coincide with the period in his life when he commenced the study of law.

Soon after his graduation from Harvard College in 1787,² he began the study of law. Like other young men of his time, he read law in a law office because it was before the day of the law school. It was three years before Wilson gave his first "lecture on law" at the College of Philadelphia,³ and seven years before Kent delivered lectures to "seven students and thirty-six gentlemen," at Columbia College.⁴ Judge Tapping Reeve had opened his law school at Litchfield, Connecticut in 1784,⁵ and Professor George Wythe was instructing students in *Blackstone's Commentaries* at the College of William and Mary⁶ in far off Tidewater Virginia; but it was yet many years before the class room was to become the accepted forum for legal study.

Cranch, therefore, read law at Boston, in the office of Judge Thomas Dawes, of the Supreme Judicial Court of Massachusetts.⁷ He was admitted to the bar in 1790. It was the year that Alexander Hamilton was giving his "plan for the support of the Public Credit" to the Second Session of the First Congress at New York.⁸ In that same year, the Supreme Court of the United States met and organized under the Judiciary Act of 1789.⁹

Cranch began his practice in Braintree;¹⁰ later he took over the practice of a relative, John Thaxter, in Haverhill,¹¹ and gained his first judicial experience as a Justice of the Peace for Essex County, Massachusetts.¹²

The setting for his career, thus begun in his native Massachusetts, was soon transferred to "The Federal City." In November 1794, William Cranch became the legal agent for Morris, Nicholson, and Greenleaf,¹³ a firm engaged in the purchase and sale of lots in what was to become the city of Washington.

¹ For biographical sketches see *Greenleaf and Law in the Federal City*, (1901) by Allen C. Clark, 47; *Great American Lawyers* (1907) edited by William Draper Lewis, Sketch of William Cranch by Alexander Burton Hagner, Vol. III, 87; *Address on the Life and Character of William Cranch*, Delivered January 10, 1907, before the Bar Association of the District of Columbia by Alexander Burton Hagner, Washington, D. C., 1913 (pamphlet, 36 pages); 2 Hayw. & H. Appendix 438; *Columbia Hist. Soc. Vol. 5*, (Life and Times of William Cranch by Carne) 294; see also *Life in a New England Town* (1787-1788) Diary of John Quincy Adams (1903), p. 11; p. 21 Note 2.

² *Quinquennial Catalogue of Harvard University*, Cambridge (1925) p. 175; See also p. 960—Honorary Degree LL.D. Conferred 1829.

³ *The Proceedings at the Dedication of the New Building of the Department of Law*, (1901), History of the Department of Law, University of Pennsylvania, compiled by Margaret Center Klingelsmith, 216.

⁴ *Men and Books Famous in the Law* (1921) by Frederick C. Hicks, 140.

⁵ *The Bench and Bar of Litchfield County, Conn.*, (1909) by Dwight C. Kilbourn, 182.

⁶ Catalog, The College of William and Mary, The School of Jurisprudence Bulletin XXVII No. 1, (April 1933) 5-6.

⁷ 2 Hayw. & H. Appendix 439.

⁸ *Annals of Congress* (1789-1791) Vol. I, 1092.

⁹ *The Supreme Court in United States History* (1926) by Charles Warren, Vol. I, 46-47.

¹⁰ *Greenleaf and Law in the Federal City* (1901) by Allen C. Clark, 48.

¹¹ 2 Hayw. & H. Appendix 439. See also *Life in a New England Town*, (1787-1788) Diary of John Quincy Adams (Ed. by Charles Francis Adams) (1903), 17 Note 2.

¹² *Supra* note 10, at 48-49.

¹³ *Id.* at 9, 49, 67; *Columbia Hist. Soc.*, Vol. 5 (James Greenleaf by Allen C. Clark) 215, 217.

In 1797 when that famous land speculation failed,¹⁴ Cranch considered returning to Boston and assuming the editorship of certain newspapers, the publication of which was proposed by Noah Webster. But his law books which were destined to comfort and strengthen him through a long life surrounded him, then, with their warmth and he remained in Washington and engaged in the practice of law.

There were many disappointments to discourage a less stalwart spirit in the gloom of those years when his finances were involved and Washington, not yet the seat of the government, was far from promising either as a comfortable place to reside¹⁵ or as a community in which to earn even a modest living.

One feels, therefore, that hope for the prosperity of the new city must have been greatly stimulated in June 1800, when President John Adams came from Philadelphia to make a visit to "The Federal City."¹⁶

During that visit the first of the Executive Offices was opened in Washington,¹⁷ and soon the removal of all of the offices from Philadelphia to Washington was completed. And on Monday, November 17, 1800, the Second Session of the Sixth Congress convened for its first meeting in the Chambers in the Capitol building at Washington.¹⁸

On February 27, 1801, an act¹⁹ was passed, "concerning the District of Columbia," by which Congress provided for the establishment of, "... a court in said district, which shall be called the circuit court of the district of Columbia: ... [to] consist of one chief judge and two assistant judges resident within said district, to hold their respective offices during good behavior; . . ."

The day following, President John Adams forwarded to the Senate nominations for these judgeships. Among them was the name of his nephew, William Cranch, a loyal Federalist, whom he nominated to the office of Assistant Judge. On March 3rd, the very last day of the session, the appointments were confirmed.²⁰ Then began Cranch's long career as a Judge. When in 1802,²¹ the Federalist judges, known as "Midnight Judges," were ousted by the repeal of the Circuit Court Act of February 13, 1801, the Act of February 27, 1801, which had created the Circuit Court of the District of Columbia, remained in force,²² and the judges, who had been appointed under that act, continued in

¹⁴ *Supra* note 10, at 51. For effect financially upon Cranch—See *Id.* at 52; see also *Great American Lawyers* (1907) edited by William Draper Lewis, Sketch of William Cranch by Alexander Burton Hagner, Vol. III, 80.

¹⁵ For contemporary picture see *A History Of The National Capital* (1914) by W. B. Bryan, Vol. 1, 310-337; *Col. Hist. Soc.* Vol. 10, Diary of Mrs. Thornton; see also *Correspondence & Miscellanies*, of Hon. John Cotton Smith, (1847) 197, 204-220.

¹⁶ *A History of the National Capital* (1914) by W. B. Bryan, Vol. I, 347-349. See also *Col. Hist. Soc.* Vol. 10, Diary of Mrs. Thornton, 151-152.

¹⁷ *A History of the National Capital* (1914) by W. B. Bryan, Vol. I, 350.

¹⁸ *Annals of Congress—6th Congress* (1799-1801) p. 720. See also Address of President Adams, pp. 723-725.

¹⁹ 2 Stat. 103 (Feb. 27, 1801).

²⁰ *Supra* note 17, at 402.

²¹ 2 Stat. 132 (March 8, 1802) repealed act of Feb. 13, 1801, "... from and after the first day of July next. . . ." New Circuit Courts were created by Act of April 20, 1802 (2 Stat. 156). See account in Warren, *Supreme Court in United States History*, (1926) Vol. I, 209 et seq.

²² *Kendall v. United States*, 12 Peters 524 at 625, 9 L. ed. 1181 at 1221 (1838); see also Act May 3, 1802, (2 Stat. 193), (passed after Act of March 8, 1802).

office. Later, in spite of conflicting political allegiance, President Jefferson made William Cranch Chief Judge.²³

The Circuit Court of the District of Columbia, over which Chief Judge Cranch presided, was properly called a Circuit Court because it was required to sit alternately in the courts of Alexandria and of Washington, administering the laws of Virginia in one and the laws of Maryland in the other. The Act of February 27, 1801, provided:²⁴

"Section 1. *Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled*, That the laws of the state of Virginia,²⁵ as they now exist, shall be and continue in force in that part of the District of Columbia, which was ceded by the said state to the United States, and by them accepted for the permanent seat of government; and that the laws of the state of Maryland, as they now exist, shall be and continue in force in that part of the said district, which was ceded by that state to the United States, and by them accepted as aforesaid."

The court had all the jurisdiction of a federal circuit court, under the Act of February 13, 1801; . . . "the said court and the judges thereof shall have all the powers by law vested in the circuit courts and the judges of the circuit courts of the United States."²⁶

In addition, the court had a jurisdiction similar to that of a state court:²⁷

"Section 5. *Be it further enacted*, That said court shall have cognizance of all crimes and offences committed within said district, and of all cases in law and equity between parties, both or either of which shall be resident or be found within said district, and also of all actions or suits of a civil nature at common law or in equity, in which the United States shall be plaintiffs or complainants; and of all seizures on land or water, and all penalties and forfeitures made, arising or accruing under the laws of the United States."

Moreover, as shown by the decision in the case of *Kendall v. United States, ex rel. Stokes, et al.*,²⁸ the Circuit Court of the District of Columbia had a jurisdiction more extensive than any state or federal court, since it was the only federal court of general original jurisdiction in the United States. When the case of *United States ex rel. Stokes, et al. v. Kendall* came before Chief Judge Cranch in the Circuit Court of the District of Columbia, he said:

²³ 1 Cranch C. C. iii; (Resignation of Chief Judge William Kilty, Jan. 1806, 1 Cranch C. C. iii; Kilty appointed Chancellor of State of Maryland, Jan. 26, 1806, 1 Bland iii).

²⁴ 2 Stat. 103, Sec. 1.

²⁵ 9 Stat. 35 (Act of July 9, 1846); County of Alexandria was retroceded to Virginia and this part of the act was thereupon repealed.

²⁶ 2 Stat. 105, Sec. 3.

²⁷ 2 Stat. 106, Sec. 5.

²⁸ 12 Peters 524, 9 L. ed. 1181 (1838).

"With regard to the suggestion that the Circuit Court, established in this district, is for purposes entirely local, the fact is not so. This Court has all the jurisdiction which any other circuit court of the United States can have in its circuit, and much more. It is the court which the legislature of the United States has thought proper to ordain and establish as one of the courts inferior only to the Supreme Court of the United States, . . ."²⁹

The decision in that case constitutes one of Judge Cranch's principal contributions to the law. His opinion followed, in part, the *dictum* of Chief Justice Marshall in *Marbury v. Madison*³⁰ and, when affirmed by the Supreme Court of the United States, established the important precedent that the Circuit Court of the District of Columbia could issue a writ of mandamus to a cabinet officer of the United States. The Circuit Court of the District of Columbia and its successor, the present Supreme Court of the District of Columbia, are the only courts in the United States which have been held to have the power to mandamus a cabinet officer or other executive officer of the United States Government.

In the case of *United States ex rel. Stokes et al. v. Amos Kendall, Postmaster-General of the United States*,³¹ the petitioners had certain claims against the Post Office Department under contracts for carrying the mail made by them with the former Postmaster-General. By Act of Congress, it was directed that the Solicitor of the Treasury adjust the claims and make the necessary awards. This was done, but Postmaster-General Kendall, who executed the award in part, refused to pay the balance. Mandamus was therefore prayed in the Circuit Court of the District of Columbia.

The Postmaster, in his answer, quoted the views of former President Jefferson, as set out in a letter written at the time of the Aaron Burr trial: ". . . I observe that the case of *Marbury v. Madison* has been cited, and I think it material to stop, at the threshold, the citing that case as authority, and to have it denied to be law. . . . 'I have long wished for a proper occasion to have the gratuitous opinion in *Marbury v. Madison* brought before the public, and denounced as not law. . . .'"³²

But, Judge Cranch, who in an earlier opinion,³³ had differed from Jefferson's views concerning the proper functions of the judiciary and had shown his absolute fearlessness of executive authority, again displayed his courage and his skill in legal reasoning. In two brilliant opinions, he carefully traced

²⁹ *United States v. Kendall*, 5 Cranch C. C. 163 at 188; Fed. Cas. No. 15,517, at 713 (C.C. D.C. 1837).

³⁰ 1 Cranch 137 at 170-173; 2 L. ed. 60, at 71-72 (1803).

³¹ *United States ex rel. Stokes et al. v. Amos Kendall, Postmaster-General*, 5 Cranch C. C. 163; Fed. Cas. No. 15,517 (C.C. D.C. 1837).

³² 5 Cranch C. C. 163 at 199, 201; Fed. Cas. No. 15,517 at 718, 719. (C.C. D.C. 1837). For account of Jefferson's concern over the proceedings at the Burr trial and his resentment as to the outcome see Warren, *Supreme Court in United States History*, (1926), vol. 1, 311-313. Burr was acquitted: *United States v. Burr*, Fed. Cas. No. 14,693 at 181 (C.C. D. Va. 1807).

³³ *United States v. Erick Bollman and Samuel Swartwout*, 1 Cranch C. C. 373, Fed. Cas. No. 14,622 (C.C. D.C. 1807); *Ex Parte Bollman*, 4 Cranch 75, 2 L. ed. 554 (1807). See also letters written by Cranch at this time, Clark *op. cit. supra* note 10, at 53-54.

the history of the writ of mandamus, analyzed the Judiciary Act of 1789, the Circuit Court Act of February 13, 1801, and the Act of February 27, 1801, by which the Circuit Court of the District of Columbia was established; examined the leading cases,³⁴ which had held that the Circuit Courts of the United States could not issue a writ of mandamus to government officers, distinguished them, and held that mandamus could issue from the Circuit Court of the District of Columbia.

He placed his decision upon two grounds; first, That the *third section* of the Act of February 27, 1801. . . "the said court . . . shall have all the powers . . . vested in the circuit courts and the judges of the circuit courts of the United States. . .,"³⁵ had reference to the powers given in the Circuit Court Act of February 13, 1801. This was so, he argued, since by the Act of February 13, 1801, the Circuit Courts established under the Judiciary Act of 1789 were abolished, and on February 27, 1801, when the Circuit Court of the District of Columbia was created there were no other Circuit Courts in existence to which to refer. And the eleventh section of the Act of February 13, 1801, as distinguished from the eleventh section of the Judiciary Act of 1789 (under which the leading cases had been decided) ³⁶ covered the whole ground of the Constitution:

". . . the said Circuit Courts . . . shall have cognizance . . . of all cases in law or equity, arising under the constitution and laws of the United States, and treaties made, or which shall be made under their authority. . . ."

He further held, that although the Act of February 13, 1801 was repealed by the Act of March 8, 1802, yet the repeal did not in any manner affect the powers or jurisdiction of the Circuit Court of the District of Columbia as given by the Act of February 27, 1801. His astute reasoning on this point is given in these words:

"The 3d section of the Act of the 27th of February, 1801, does not refer expressly to any particular act of Congress, but to the powers which were then, by law, vested in the circuit courts, and the judges of the circuit courts of the United States; not the powers which had been, at any prior period, or might, at any future time, be vested in those courts and judges; but the powers as they then existed. Our powers were then as well ascertained and fixed as if they had been particularly enumerated and minutely described in the Act of the 27th of February, which established this Court. No subsequent alteration, or modification, or repeal of the powers of the other circuit courts could affect our powers; and there is nothing in the

³⁴ McIntire v. Wood, 7 Cranch 504, 3 L. ed. 420 (1813); McClung v. Silliman, 6 Wheaton 598, 5 L. ed. 340 (1821) (held that State Courts and United States Circuit Courts could not mandamus a federal officer).

³⁵ 5 Cranch C. C. 163 at 185, Fed. Cas. No. 15,517 at 711-712 (C.C. D.C. 1837).

³⁶ Supra note 34.

Act of the 27th of February which can justify the assumption that our powers 'were to be the same with those of the circuit courts, and the judges of the circuit courts of the United States, as they should, from time to time, be vested by law in those courts and judges.'"³⁷

Judge Cranch's second ground was: That under the *fifth section* of the Act of February 27, 1801, the jurisdiction was broad enough to include a jurisdiction to issue a writ of mandamus. He said:

"But this court has a jurisdiction still more extensive than that which was given by the Act of the 13th of February 1801; and if the jurisdiction given by the 11th section of that act would have justified the court in issuing *mandamus* under the 14th section of the Judiciary Act of 1789, *à fortiori* will the jurisdiction given to this Court, by the 5th section of the Act of the 27th of February, 1801, justify this Court in issuing it."³⁸

In a later portion of his opinion, in interpreting the meaning of that *fifth section*, Judge Cranch used the following striking language:

"The section . . . giving jurisdiction to this Court, was to be modelled so as to give the court all the federal and all the State jurisdiction. As there were no jealous rival jurisdictions here, it was unnecessary to discriminate between federal and State jurisdiction. The only judicial power which could be exercised here was the judicial power of the United States. The only concern of the framers of the law was to give jurisdiction in language broad enough to cover the whole ground of federal and State judicial power."

"The jurisdiction, therefore, which is given to this Court, cannot be limited by the terms in which judicial power has been meted out to the other courts of the United States by the Constitution."³⁹

The Supreme Court of the United States, which in the January term of 1838, received the case⁴⁰ on writ of error, affirmed the judgment below. Mr. Justice Thompson, who delivered the opinion, followed closely the reasoning of Judge Cranch in his opinions in the Circuit Court of the District of Columbia.

In many cases since, the Supreme Court of the United States has reaffirmed the doctrine of *Kendall v. United States* and cited it as authority. The great importance of this decision may best be shown by referring to two classes of cases in which it has been invoked as a precedent.

³⁷ 5 Cranch C. C., 163 at 254, Fed. Cas. No. 15,517 at 744 (C.C. D.C. 1837).

³⁸ 5 Cranch C. C. 163 at 186, Fed. Cas. No. 15,517 at 712 (C.C. D.C. 1837).

³⁹ 5 Cranch C. C. 163 at 252, Fed. Cas. No. 15,517 at 743 (C.C. D.C. 1837).

⁴⁰ *Amos Kendall, Postmaster-General v. The United States ex rel. Wm. B. Stokes et al*, 12 Peters 524, 9 L. ed. 1181 (1838).

There are cases where residents of the District of Columbia have a valid claim against an executive officer of the United States for services rendered to the District or to the Federal Government. If mandamus were not permitted the complainants would be without a remedy to compel performance. A petitioner in this type of case is in the same position as a citizen of a state who has a claim against a public officer of that state. By the weight of authority it is held that a writ of mandamus to compel the performance of a purely ministerial duty lies against such state officers as Secretary of State and State Treasurer in the highest court of original jurisdiction.⁴¹ In the District of Columbia the public officer is a Federal officer, and as Chief Justice Marshall said in *Marbury v. Madison*: . . . "what is there in the exalted station of the officer, which shall bar a citizen from asserting, in a court of justice, his legal rights, or shall forbid a court to listen to the claim, or to issue a mandamus directing the performance of a duty, not depending on executive discretion, but on particular acts of Congress, and the general principles of law?" . . . "It is not by the office of the person to whom the writ is directed, but the nature of the thing to be done, that the propriety or impropriety of issuing a mandamus is to be determined."⁴²

One of the leading cases under this first class is that of *Roberts, Treas. v. United States ex rel. Marie A. Valentine*.⁴³ That case originated in the Supreme Court of the District of Columbia, went then to the Court of Appeals of the District of Columbia,⁴⁴ and later to the Supreme Court of the United States,⁴⁵ where it was affirmed. The claim arose under a contract made by one Evans and the District of Columbia for laying concrete and brick pavements in the city. Board of Audit Certificates for his unsettled claim were issued, and these were to be redeemed with bonds. The certificates were assigned and the assignee sued in the Court of Claims and obtained a judgment which was paid. Meantime, "all claims of every nature", under the assignment of Evans to the first assignee, were assigned to the petitioner. An Act of Congress had been passed directing the Treasurer of the United States to pay to "owners, holders, or assignees of all Board of Audit Certificates", a certain residue of interest.

In the Supreme Court of the District of Columbia judgment was entered awarding a writ of mandamus to issue to the Treasurer of the United States requiring him to pay the interest.

On appeal to the Court of Appeals of the District of Columbia, Mr. Justice Shepard delivered the opinion of the court: "The principles which govern the action of the courts in the exercise of jurisdiction over the executive departments of the government have long since been firmly established. *Kendall v. Stokes*, 12 Pet. 524. . . ." ⁴⁶

⁴¹ *State v. Lyon*, 63 Okla. 285, 165 Pac. 419, (1917); *Commonwealth v. Griest*, 196 Pa. 396, 46 Atl. 505 (1900); *State of Florida, ex rel. Fleming v. Crawford*, 28 Fla. 441, 10 So. 118, 14 L. R. A. 253 (1891), 58 L. R. A. 833. Contra as to Governors, *People ex rel. Harless v. Richard Yates, Governor, et al.* 40 Ill. 126 (Sup. Ct. Ill. 1863), *State of Fla. ex rel. Bisbee v. Drew, Governor* 17 Fla. 67 (Sup. Ct. Fla. 1879), *State ex rel. Robb v. Stone, Governor*, 120 Mo. 428, 25 S. W. 376, 23 L. R. A. 194 (1894).

⁴² 1 Cranch, 137 at 170, 2 L. ed. 60 at 71, (1803).

⁴³ 13 App. D. C. 38 (1898); 26 W. L. R. 375.

⁴⁴ *Supra* Note 43.

⁴⁵ *Ellis H. Roberts, Treas. of the United States, Petitioner v. United States ex rel. Marie A. Valentine*, 176 U.S. 221; 44 L. ed. 443, (1900).

⁴⁶ 13 App. D. C., 45-46, 26 W. L. R. 377.

In the Supreme Court of the United States, Mr. Justice Peckham gave the opinion⁴⁷ for the court and affirmed the judgment below.

The other class of case in which mandamus has been awarded frequently, under the authority of *Kendall v. United States*, is the case where the petitioner, an individual or a corporation, not a resident of the District of Columbia, has a claim against an executive officer of the United States Government. The case of *McClung v. Silliman*,⁴⁸ distinguished by Cranch in his opinion in *United States v. Kendall*, established the precedent that State courts and United States Circuit Courts (now District Courts) cannot mandamus a Federal executive officer. Therefore, the only court in which a claimant in such cases may sue for the specific remedy of mandamus, is the Supreme Court of the District of Columbia, (successor of the old Circuit Court of the District of Columbia).

An interesting recent decision was that of *The United States ex rel. The Societa Ligure Di Armamento, A Corporation, and the Smokeless Fuel Company, A Corporation, Petitioner, v. J. R. McCarl, Comptroller General of the United States, Respondent*.⁴⁹ In that case the master of an Italian steamship, which had docked at New Orleans, was notified by the United States Immigration officer of the port to detain on board certain members of the crew. Without fault of the master, seven alien members of the crew deserted at New Orleans. Later, when the ship was in port at Norfolk, a fine of seven thousand (\$7000.00) dollars was assessed and was paid, under protest, by the Smokeless Fuel Company, for the account of the owner of the vessel. Upon investigation by the Commissioner General of Immigration and the Secretary of Labor, it was found that the fine was collected through mistake of the government officer. Accordingly, a voucher of the Department of Labor for seven thousand (\$7000.00) dollars was sent to the General Accounting Office for certification to the Treasury Department for payment. The General Accounting Office refused to certify the voucher to the Treasury. Mandamus was sought in the Supreme Court of the District of Columbia, where Mr. Justice Siddons in delivering the opinion of the court said:

"The power and jurisdiction of this court to issue a writ of mandamus as an original proceeding has been too long the settled law here to admit of challenge

⁴⁷ 176 U. S. 221 at 231, 44 L. ed. 443 at 447 (1899); cited and quoted with approval in *Lane v. Hoglund*, 44 App. D. C. 310 (1916), 244 U. S. 174 at 182, 61 L. ed. 1066 at 1069 (1917); *United States ex rel. McAlester-Edwards Coal Co. v. Fall, Sec. of Interior et al*, 51 App. D. C. 171 at 175-176, 262 U. S. 200 at 208, 67 L. ed. 949 at 952 (1923).

⁴⁸ 6 Wheaton 598, 5 L. ed. 340 (1821); followed in *Ex parte Shockley* 17 F. (2d) 133 at 137 (N. D. Ohio 1926). It is interesting to compare these cases with the majority opinion in *First National Bank v. Fellows, ex rel. Union Trust Co.*, 244 U. S. 416 at 418, 61 L. ed. 1233 at 1237 (1917) holding that a State Attorney General may bring *quo warranto* in a State Court to test the authority of a National Bank to act as trustee etc. under the Federal Reserve Act. In a dissenting opinion in this case 244 U. S. 429-430, 61 L. ed. 1233, 1241, Mr. Justice Van Devanter (Mr. Justice Day concurring) cited *McClung v. Silliman* as follows: "I dissent from the conclusion that this proceeding could be brought and maintained in the state court.....As is said in the *Lockwood Case*, 'the right to institute such proceedings is inherently in the government of the nation.' This is particularly true of national banks, for they not only derive all their powers from the United States, but are instrumentalities created by it for a public purpose, and are not to be interfered with by state legislative or judicial action, except so far as the law making power of the Government may permit..... Indeed, they are upon much the same plane as are officers of the United States, because their conduct can only be controlled by the power that created them. *McClung v. Silliman*, 6 Wheat. 598, 605." (italics inserted by writer).

⁴⁹ 56 W. L. R. 36 (1928).

now. It has several times been distinctly affirmed by the Supreme Court of the United States, and the Court of Appeals of this District."⁵⁰

On appeal to the Court of Appeals of the District of Columbia, the judgment of the lower court was affirmed. Chief Justice Martin gave the opinion:

"In our opinion the lower court's judgment was not erroneous. It is true that mandamus will not lie to review or control the acts of executive officers of the government in respect of matters as to which they are vested with discretion, nor can such officers be compelled to act or render a decision in any particular way so as to make the writ serve the function of an appeal or a writ of error. On the other hand, the writ may issue to compel such officers to perform purely ministerial duties when imposed upon them by law. *Kendall v. United States ex rel. Stokes*, 12 Pet. 524, 9 L. ed. 1181."⁵¹

It is interesting to note that this case did not go up to the Supreme Court of the United States, because undoubtedly the principle established by *Kendall v. United States*, and affirmed in many later cases, is considered as now well settled.

Other cases came before Judge Cranch, which unlike the *Kendall* case, did not become famous as precedents to be cited down through the years, but which are important to recall as persuasive of his influence in securing the enactment of certain desired laws in the District of Columbia.

Efforts were made over a period of years to obtain legislation to prohibit dueling in the District of Columbia. One of the most impressive statements directed to that end was contained in a charge made by Judge Cranch to the Grand Jury after the celebrated duel⁵² between Commodore James Barron and Commodore Stephen Decatur, in which Decatur was killed.⁵³

In this charge, Judge Cranch said:

"Your jurisdiction, gentlemen, extends to all crimes and offences committed within this county; and of all such it is your duty to enquire."

"Since the last session of a grand jury for this county, we have had to deplore the occurrence of another case of what the world calls honorable satisfaction, but which, in contemplation of law, both human and divine, is murder."

"It is to be regretted that the lamented and illustrious individual whose virtues and whose heroism

⁵⁰ *Ibid.*

⁵¹ *McCarl, Comptroller General v. United States ex rel. the Societa Ligure Di Armamento, A Corporation, and the Smokeless Fuel Co., A Corporation*, 58 App. D. C. 319 at 321, 30 F. (2d) 561 at 563 (1929). Followed in *McCarl v. Halstead*, 59 App. D. C. 395, 397, 45 F. (2d) 665 at 667 (1930).

⁵² See *Col. Hist. Soc. Vol. 29-30, Dueling in the District of Columbia*, by Myra L. Spaulding, p. 117 at 142-148; See also *City of Washington Gazette*, April 4, 1820, April 5, 1820.

⁵³ *Daily National Intelligencer*, Friday, March 24, 1820, p. 2, col. 5.

were the pride of his country, should not have added one more laurel to his brow, by declining the fatal contest."

"However fairly and honorably a duel may be fought, yet, if death ensue, it is, in the eye of the law, murder, both in principals and accessories; and a challenge to fight, although not accepted, and even the carrying of such a challenge, are high misdemeanors, punishable by fine and imprisonment."

"What I have said upon this subject, I have deemed it my duty to say, that a doubt of the law may not be excited by the high and honorable standing of the parties, by the solemn pomp of funeral rites, or the universal sympathy of the nation."⁵⁴

Unprejudiced views such as these of Judge Cranch led finally to the enactment of a law, "to prohibit the giving or accepting, within the District of Columbia, of a challenge to fight a duel."⁵⁵

But, perhaps, Judge Cranch's most conspicuous influence toward law reform is shown in the part that he played in bringing about changes in the criminal laws in force in the early days of Washington. It will be remembered that the original Act of February 27, 1801, in establishing the Circuit Court for the District of Columbia, provided:

"That the laws of the state of Virginia . . . and that the laws of the state of Maryland, *as they now exist*, shall be and continue in force in that part of the District of Columbia, which was ceded . . . to the United States."⁵⁶

Both of the states had repealed many of the obsolete laws and barbarous penalties, but they continued to remain in force in the District of Columbia. For instance, as late as 1817, upon conviction on a charge of bigamy, the prisoner was sentenced "to be burnt in the hand, . . ." ⁵⁷ And in 1819, after a conviction for larceny of two horses, the ". . . Court sentenced the prisoner to pay a fine and be publicly whipped. . . ." ⁵⁸

In 1818, by authority of Act of Congress, ⁵⁹ Cranch prepared the first code of laws for the District of Columbia. The code was never formally adopted,

⁵⁴ *City of Washington Gazette*, Thursday, June 8, 1820, p. 1, col. 2; See also a contemporary editorial p. 1, col. 1, commenting favorably upon Judge Cranch's charge.

⁵⁵ 5 Stat. 318 (Act of Feb. 20, 1830).

⁵⁶ 2 Stat. 103, Sec. 1. (Italics herein by the writer).

⁵⁷ *United States v. Joshua alias Joseph Lambert*, (April term 1817—Alexandria) 2 Cranch C. C. 137 at 138, Fed. Cas. No. 15,554 (C.C. D.C. 1817).

⁵⁸ *United States v. Black*, 2 Cranch C. C. 195, at 197; Fed. Cas. No. 14,601 at 1156 (C.C. D.C. 1819). It is of interest to note that this case was decided under Act of Congress, April 30, 1790 (1 Stat. 112, 116) providing that persons committing larceny ". . . within any of the places under the sole and exclusive jurisdiction of the United States . . . shall, on conviction, be fined . . . and be publicly whipped, not exceeding thirty-nine stripes." The District Attorney attempted to secure a sentence of death or hard labor on the public roads of Baltimore county under laws of Maryland 1793 C. 57, Sec. 10 and 1799, C. 61, Secs. 1 & 3. Francis Scott Key, (Author "The Star Spangled Banner" 1814), attorney for the defendant, was successful in his argument to the court to impose the "milder" sentence, (whipping).

⁵⁹ 3 Stat. 323 (April 29, 1816) Authority was given "the Judges of the Circuit Court, and the attorney for the District of Columbia", but Chief Judge Cranch, alone, prepared the code, (Code of Laws for the District of Columbia, Washington 1819, 575 pages).

but its provisions, particularly those dealing with the criminal laws, had a wide influence upon contemporary public opinion.⁶⁰ And, by 1830, the judges, themselves, were refusing to enforce the obsolete and inhuman penalties of the criminal law. In the case of the *United States v. Jennegen*,⁶¹ Chief Judge Cranch, in giving the opinion of the Court: "... dispensed with the burning in the hand."⁶²

A few months after the decision in that case an act was passed "for the punishment of crimes in the District of Columbia",⁶³ by which imprisonment and labor, except in the case of slaves, was substituted for burning in the hand and whipping. It is significant to note that Judge Cranch served as a member of the Commission appointed by the President to select a prison site.⁶⁴

This section of the paper, dealing with Cranch's contributions as a Judge, cannot be concluded without referring to his high ethical standards and his influence, in that respect, upon the local bar. His own integrity of mind and conduct must have made especially impressive his pronouncements from the Bench in a day when there were no Canons of Ethics, except those which a gentleman carried always in his heart. In the case of *Ex parte Giberson*,⁶⁵ four decades before the leaders of the bar in the late seventies met at Saratoga Springs,⁶⁶ and founded the American Bar Association, which later was to adopt a Canon of Ethics, and wield through them a mighty influence upon all of the Bar, Judge Cranch spoke from the Bench words which seem to echo distantly through the years to form Canon fifteen⁶⁷ of the Canons of Professional Ethics:

"Fidelity to his client is one of the first requisites in the character of an honorable practitioner at the bar. That fidelity requires that he should maintain all the just rights of his client; but it extends no further. It will not justify any attempt to evade the fair operation of the law, or to impede the administration of justice. A fault on either side of the true line of honorable professional conduct, will equally meet the decided reprehension of the Court."⁶⁸

In Circuit Court Room Number One,⁶⁹ in the Supreme Court of the District of Columbia, there now hangs a portrait of Chief Judge Cranch. Thus,

⁶⁰ *A Digest of the Laws of the Corporation of the City of Washington* (1823) by Samuel Burch, p. 289.

⁶¹ 4 Cranch C. C. 118, Fed. Cas. No. 15,474 (C.C. D.C. 1830).

⁶² 4 Cranch C.C. 118 at 121, Fed. Cas. No. 15,474 at 608 (C.C. D.C. 1830).

⁶³ 4 Stat. 448 (March 2, 1831). This act also provided that murder, treason and piracy, only, would thereafter be capital offenses; all other offenses to be punished by imprisonment and labor.

⁶⁴ Supra note 17, Vol. II at p. 88, note 1.

⁶⁵ 4 Cranch C. C. 503, Fed. Cas. No. 5,388 (C.C. D.C. 1835).

⁶⁶ *American Bar Leaders* (1932) By James Grafton Rogers, Foreword vi-vii.

⁶⁷ *Annotated Canons of Ethics* (1926) The American Bar Association, 67-68.

⁶⁸ *Ex parte Giberson*, 4 Cranch C. C. 503 at 506, Fed. Cas. No. 5,388 at 307 (C.C. D.C. 1835).

⁶⁹ The special terms of the Supreme Court of the District of Columbia are now known as: the circuit court, the equity court, the criminal court, the probate court, and the district court of the United States. March 3, 1901, 31 Stat. 1200, c. 854, Sec. 64. In the "circuit court" are "determined all common-law civil causes". March 3, 1901, 31 Stat. 1200 c. 854, Sec. 69.

The portrait of Judge Cranch is said to have been painted by his son, John Cranch, in 1844. *Columbia Hist. Soc. Vol. 5*, p. 310 (*Life and Times of Wm. Cranch by Carne*)

a present generation of judges and lawyers honors the memory of the first Chief Judge, who did much to improve the local laws and who set a high standard of ethical conduct for the Bench and Bar.

Meantime, and apart from his arduous duties on the Bench, Judge Cranch was devoting a fine enthusiasm to his work as Professor of Law in the first law school to be organized in the city of Washington.

The trustees of The Columbian College,⁷⁰ which later became The Columbian University,⁷¹ and then The George Washington University,⁷² met in special session on Friday, February third, 1826,⁷³ and elected as its first Professors of Law, the Honorable William Cranch and William Thomas Carroll, Esquire.⁷⁴ The newly elected professors were requested to prepare a "system for the operation of the Law Department". Accordingly, on February 24th, their "Digest of By-Laws and Regulations for the operation and government of the Law Department",⁷⁵ was adopted. A librarian who reads that carefully prepared and complete list of nine regulations will smile with appreciation in finding the second regulation as follows:

"Each student, before he can receive a ticket of the Professors for admission to the Law Lectures, shall pay ten dollars to the Treasurer of the College, for the purpose of defraying the expenses of, and increasing the Law Library, to be expended under the direction of the Professors of Law, for the sole use of the School. . . ."

There are today, in the Law Library of The George Washington University, silent testimonials to this wise policy commenced more than a century ago. There are worn volumes which formed the nucleus of that first collection of law books. Of particular local interest is a copy of Burch's Digest (1823),⁷⁶ the second book of its kind to be published in the District of Columbia.

In addition, in the library, there are nine bound volumes of the manuscript lectures of William Thomas Carroll, that other first professor. These volumes are of rare value to the school since they make known the content of the first law lectures. An examination of them discloses that they are from that fruitful series of law lectures delivered by Reeve and Gould at the old Litchfield Law School, where, "According to the plan pursued . . . the law [was] divided into forty-eight titles, which embrace[d] all its important branches, and of which [the lecturer] treat[ed] in systematic detail. . . ."⁷⁷

⁷⁰ Chartered Feb. 9, 1821 (6 Stat. 255).

⁷¹ 17 Stat. 629 (March 3, 1873).

⁷² 33 Stat. (Part 1) 7; Act of Jan. 23, 1904, giving power to the Board of Trustees to change the name.

⁷³ *Trustees Minutes*, Columbian College, Vol. I, p. 116. (Feb. 24, 1826).

⁷⁴ Wm. Thomas Carroll, Born March 2, 1802, Bellevue, Md.; A.M.—Mt. St. Mary's College—Emmitsburg, Md.; attended Litchfield Law School, 1823-25; appointed Professor of Law, Columbian College, Feb. 3, 1826; Clerk Supreme Court of the United States January 1827 to 1863. Died July 13, 1863 (See Daily National Intelligencer, July 14, 1863). See 274 U. S. vi., for appreciation of long service. 19 Howard iv. Resolution on occasion of death of son.

⁷⁵ *Supra* note 73, at 116-118.

⁷⁶ *Supra* note 60.

⁷⁷ *Supra* note 5 at 193; see also p. 198 stating that William Carroll entered Litchfield Law School in 1823. Two small volumes of the notes are in shorthand. The nine volumes marked "Mr. Carroll's Law Lectures", were manuscript drafts apparently written up from the shorthand notes with annotations, etc. They appear to be the notes used by Carroll in his lectures.

We have no copies of the notes or lectures of Judge Cranch. One is sure, however, that he faithfully carried out the purposes of the course as described in the "Digest of By-Laws and Regulations for the operation and government of the Law Department":

"Article I . . . which course shall embrace so much of the Common and Statute law of England as may be considered applicable to this country, the Constitution and Laws of the United States, the laws in force in the District of Columbia, and the Constitutions and Laws of such of the several States as the Professors may find it convenient to lecture upon."

Professors Cranch and Carroll taught for a period of approximately two years,⁷⁸ when because of the financial embarrassments of The Columbian College, it was found necessary to discontinue the Law Department until 1865.⁷⁹ As its first Professors of Law, the names of William Cranch and William Thomas Carroll are given an honored place in the history of The George Washington University. Their memory is respected in the same manner that the memory of James Wilson⁸⁰ is cherished at the University of Pennsylvania, and the name of Chancellor Kent is honored at Columbia University.⁸¹

It is as a Reporter that we know Cranch best; and it was in that capacity that he made contributions of greatest importance to us as Law Librarians. The First Term of the Supreme Court of the United States to be held in the new capitol building at Washington opened February 2nd, 1801, but no cases are reported as decided at that Term.⁸²

Commencing with the August 1801 Term, Cranch began his work as Reporter of the United States Supreme Court. Up to that time the decisions of the Supreme Court had been reported by Dallas. They were published in Volumes 2, 3 and 4 of Dallas which included, in addition, decisions of the Delaware, New Hampshire, and Pennsylvania courts. Cranch, therefore, enjoys the distinction of being the first regular reporter⁸³ in the sense that he was the first reporter to report exclusively and in order the decisions of the Supreme Court

⁷⁸ The introductory lecture was delivered by Judge Cranch on Tuesday, June 13, 1826. See account in *Daily National Intelligencer*, June 13, 1826, p. 3, col. 2: "This morning Chief Justice Cranch delivered the Lecture introductory to the course of Lectures about to be commenced by the Law Professors of the Columbian College, at the Court room, in the City Hall, . . . There was a full attendance of the Bar, and a respectable audience, composed of both sexes. . . . The lecture was grave and lucid, and seemed to give great satisfaction to the audience, amongst whom, with other learned and distinguished persons, we noticed the President of the United States [John Quincy Adams]. We hail with much satisfaction the commencement of this important branch of education in this District, under circumstances so favorable to its success and public usefulness." (Insert by the writer.)

Professors Cranch and Carroll were re-elected by the Board of Trustees, Thursday, Dec. 21, 1826, *Trustees Minutes*, vol. 1, p. 174. Letter of resignation from Judge Cranch accepted by the Board of Trustees, May 7, 1828, *Trustees Minutes*, vol. 1, p. 272. There were probably no classes held during the period immediately preceding Judge Cranch's resignation. The College records show that "all exercises," except in the Medical School, were suspended during the winter of 1827-1828.

⁷⁹ *Historical Catalog of The Columbian University*, (1891) compiled by H. L. Hodgkins, p. 15.

⁸⁰ *Supra* note 3, at 215.

⁸¹ *Supra* note 4, at 134.

⁸² *Supra* note 9, at 184-185.

⁸³ 131 U. S. Appendix XV. The statement in Carson, *History of the Supreme Court* (1891), 562, that Cranch was the "first regularly appointed Reporter" is erroneous. See *infra* Note 86.

of the United States. His nine volumes of reports cover the period from the August Term, 1801, to the February Term 1815. The first volume (Reports of cases in August and December Terms 1801, and February Term 1803) was published after the close of the 1804 Term.⁸⁴ It "met with favorable comment, even from political opponents."⁸⁵

Cranch's reports, like those of Dallas, were published unofficially. He received no salary and relied upon the sale of the reports for his compensation. The first official reporter to be appointed by the Court was Henry Wheaton,⁸⁶ who took up the work at the February Term of 1816.

Frederick C. Hicks, in his sketch of the life of Henry Wheaton, has given an interesting comparison of the importance of the office of law reporter:

"In our day, the office of law reporter of the decisions of courts has ceased to command that respect which in former times attached to it. It is no less honorable and important, but in the United States its duties have become so systematized and defined by statute that the work of reporter is taken as a matter of course. Reporter succeeds reporter, with little notice from the lawyer, and none from the layman. But in Wheaton's time there still clung about the task some of the glamour which made Lord Coke willing to combine with the duties of Chief Justice those of law reporter."⁸⁷

And, likewise, Cranch, although he had commenced his duties as Assistant Judge of the Circuit Court of the District of Columbia, assumed the task of reporting the decisions of the Supreme Court of the United States. After he became Chief Judge of his court, he continued to act as Reporter of the Supreme Court of the United States for almost a decade.

While the majority of the great constitutional opinions handed down by Chief Justice Marshall are reported in Wheaton, there are found in Cranch several of the most important decisions in our constitutional history. In Cranch are reported the first cases establishing the power of the Court to declare invalid acts of Congress in conflict with the Constitution,⁸⁸ and to declare invalid state laws impairing the obligation of contracts.⁸⁹

Cranch is one of that group of early reporters to whom historians of the Supreme Court owe an especial debt. Prior to 1835⁹⁰ there was no rule requiring the manuscript of the opinions to be filed in the office of the Clerk of the Court. The archives are, therefore, incomplete; and for the long period from 1790-1835 "the Reports of Dallas, Cranch, Wheaton and Peters furnish the only accessible evidence for determining what opinions were delivered in writing."⁹¹

⁸⁴ *National Intelligencer*, July 11, 1804, p. 3, col. 1.

⁸⁵ *Supra* note 9, at 288.

⁸⁶ *Id.* at 455.

⁸⁷ *Supra* note 4, at 198.

⁸⁸ *Marbury v. Madison*, 1 Cranch 137, 2 L. ed. 60 (1803).

⁸⁹ *Fletcher v. Peck*, 6 Cranch 87, 3 L. ed. 162 (1810); cited by Webster in *Trustees of Dartmouth College v. Woodward*, 4 Wheaton 518, 590, 4 L. ed. 629, 647, (1819).

⁹⁰ 131 U. S. Appendix xvi; see also *supra* note 9, at 455.

⁹¹ 131 U. S. Appendix xvi.

Near the close of his life, Judge Cranch published five volumes of the Reports of the United States Circuit Court of the District of Columbia, together with a one volume "General Index," which is a table of cases and an index-digest. It was a task to which he had given many hours of painstaking work and devotion. It has been suggested⁹² that he gave up his work as a Reporter of the United States Supreme Court, not only because of his labors on the Bench, but because he was looking forward to publishing these reports of his own Court. Perhaps, also, the financial uncertainties⁹³ of the publication of the United States Supreme Court Reports influenced him in retiring from that work after nine volumes.

Cranch's Circuit Court Reports cover the period from the establishment of the Court (1801) to 1841. They were not published until 1852, three years before Cranch's death. The cases decided from 1841 to 1863, in the remainder of the period during which the Circuit Court existed, are contained in the two volumes reported by Hayward and Hazleton and were published in 1892 and 1895.

On March 3, 1863,⁹⁴ the old Circuit Court was abolished, as the result of an engaging series of events lasting over a period of twenty-six years and including the attacks upon the Court by Henry May, a Congressman from Maryland who had been disbarred by the Court;⁹⁵ agitation by two members of the bar for the removal of one of the judges who would "fly into a passion and be very insulting to members of the bar, and once offered to whip . . . [counsel] if he would go out of the court and take off his coat;"⁹⁶ the feeling recognized by all that the defects in the system of procedure resulted in hardship, expense, and a denial of justice in some cases; and finally the prevalence of the opinion in Congress that the judges were in sympathy with the Confederate States.⁹⁷

For the purposes of this paper, it is important to point out that during the court reform movement of 1850, . . . "the assertion was made in a memorial of citizens that since the infirmity of Judge Cranch the court had lost the confidence of the people . . ."; and further, it has been said that: "While the venerable Chief Judge was even then [1850] unable to perform his duties, yet such was the respect for his character and regard for his services that those who advocated the plan which would legislate the court out of existence always took care to express the hope that provision would be made for Judge Cranch."⁹⁸

The Supreme Court of the District of Columbia was established March 3, 1863,⁹⁹ eight years after the death of Judge Cranch. Its jurisdiction and powers were the same as that of the old Circuit Court. The practice, however, was new to the District and followed somewhat the rules of procedure in New York State.¹⁰⁰

⁹² *Great American Lawyers* (1907) edited by William Draper Lewis; Sketch of William Cranch by Alexander Burton Hagner, Vol. III, p. 94.

⁹³ *Supra* note 4, at 199, 207.

⁹⁴ 12 Stat. 764, Sec. 16.

⁹⁵ *Reminiscences of the Courts of the District* (1895) Justice Walter S. Cox, 23 Washington Law Reporter, 501.

⁹⁶ *Id.*, at 500 (Judge Buckner Thruston).

⁹⁷ *Id.*, at 502.

⁹⁸ *Supra* note 17, Vol. II at 439.

⁹⁹ 12 Stat. 762. See also Act of March 3, 1901, 31 Stat. 1199, Sec. 60-69.

¹⁰⁰ *Supra* note 95, at 502.

From 1863 to 1893 the cases in the Supreme Court of the District of Columbia were reported by: Mackey, cited 6 and 7 D.C. (1863-1872); MacArthur cited 1-3 MacArth. or 8-10 D.C. (1873-1879); MacArthur and Mackey, cited MacArth. and M. or 11 D.C. (1879-1880); Mackey, cited 1-9 Mackey or 12-20 D.C. (1880-1892); Tucker and Clephane, cited 21 D.C. or Tucker and Clephane (1892-1893).¹⁰¹

On February 9, 1893,¹⁰² the appellate jurisdiction of the Supreme Court of the District of Columbia, was transferred to a newly created Court of Appeals of the District of Columbia. After April 1, 1893, (21 D.C., Tucker and Clephane), there ceased to be any regular reporting of the cases in the Supreme Court of the District of Columbia. Many of those cases, however, are reported in the Washington Law Reporter. Volume 21, Washington Law Reporter (issue No. 14, April 6, 1893) follows in chronological order from Tucker and Clephane (21 D.C.). Thus the libraries which have Cranch's Circuit Court Reports, Volumes 1 to 5, Hayward and Hazleton 1 and 2, and the District of Columbia Reports as given above, through volume 21, and in addition, the Washington Law Reporter from volume 21 to date, will have all of the published decisions of the old Circuit Court and a majority of the decisions of the Supreme Court of the District of Columbia.¹⁰³

The cases decided in the Court of Appeals of the District of Columbia are reported in the familiar series known as Appeal Cases, District of Columbia, (1893-to date), cited App. D. C.¹⁰⁴

In addition to the citations to Cranch's Circuit Court Reports, and Cranch's United States Supreme Court Reports, a Librarian occasionally receives a citation to Cranch's Patent Decisions. These were opinions rendered by Cranch in patent cases after an appeal from a decision of the Commissioner of Patents.¹⁰⁵ They were published in *Laws of the United States relating to Patents and the Patent Office together with Decisions* (1848).¹⁰⁶ This jurisdiction in patent

¹⁰¹ 26 Law Library Journal, 36 (Table of D. C. Reports).

¹⁰² 27 Stat. 434 (Act of Feb. 9, 1893).

¹⁰³ A few General Term cases and a number of Special Term cases not reported in 6 to 21 D. C. were published in vols. 1 to 20 W.L.R. However, it is submitted that those earlier volumes of Washington Law Reporter are not essential, except in local libraries.

¹⁰⁴ From 1919 (49 App. D. C.) the Appeal Cases are also reported in the Federal Reporter (beginning 258 Fed.).

¹⁰⁵ By Act of Congress, April 29, 1802 (2 Stat. 156, Sec. 24) it was provided that "... the chief judge of the District of Columbia shall hold a district court of the United States. . . ." The jurisdiction in Patent Appeals was given to the "Chief Justice of the District Court of the United States for the District of Columbia," by Act of Congress, March 3, 1839 (5 Stat. 353, Sec. 11). This jurisdiction was given to the Supreme Court of the District of Columbia, July 8, 1870 (16 Stat. 198, Sec. 48). When the Court of Appeals was organized in 1893 the jurisdiction in such appeals was given to it. Act of Feb. 9, 1893 (27 Stat. 434, Sec. 9). By Act of March 2, 1929 (45 Stat. 1476, Sec. 2 (a), Title 28 U.S.C.A. 309 a.), the jurisdiction in such cases became vested in the United States Court of Customs and Patent Appeals.

¹⁰⁶ *Laws of the United States relating to Patents and the Patent Office together with The Decisions of the Courts of the United States and of the Several States relating to the Same Subjects; also the Opinions of the Hon. William Cranch, Chief Justice of the Circuit Court of The United States for the District of Columbia.* (Arranged and Compiled by the Commissioner of Patents, Washington D. C. 1848). The pamphlet contains 152 pages in which the Decisions of Judge Cranch are found from pages 89 to 145. These pages appear to be a reprint from Ann. Rep. Com. of Patents, 1847, House Ex. Doc. No. 54, vol. 6, p. 797-853.

appeals was given to Judge Cranch in 1839. It added one more jurisdiction to his already varied one, but with undiminished mental vigor he analyzed technical patent matters, and wrote careful opinions, which are preserved to us in these Patent Decisions.¹⁰⁷

Although afflicted in his later years with a deafness which necessitated his sitting down in the jury box in order to hear the arguments of counsel,¹⁰⁸ Judge Cranch continued as an active member of the Circuit Court of the District of Columbia, up until five years before his death. When, finally, his deafness prevented him from attending the sessions, he remained a member of the court, and was its chief judge¹⁰⁹ until the day of his death. He died on September 1, 1855,¹¹⁰ at the age of 86 years.

In conclusion, may I say, that I shall be well pleased if I have presented to you a more complete and living picture of William Cranch than has heretofore been given. I hope that now, as you see upon your shelves those nine volumes of Cranch, United States Reports, and the five volumes of Cranch, Circuit Court Reports, you will handle them with an increased affection as they call up to you some thought of the man himself and of his achievements. As a courageous judicial officer, able law school professor, and distinguished reporter, he has set an example of a scholarly, honorable and useful life in which we well may find inspiration. A fitting conclusion to this paper would seem to be a fragment from his *Memoir of the Life, Character and Writings of John Adams*, in which he said:

"Individual character is formed more by example than precept. . . . Hence, arises the interest we take in the biography of illustrious men. Hence, also, the benefit of their example."¹¹¹

President Klapp: We thank you very, very much, Miss Newman, for your splendid and so well delivered paper. I know we all appreciate the work you must have put into it, and we are indeed fortunate that it is to be published and saved for us in the Law Library Journal.

Is there anything that anybody desires to bring up at this time?

Cranch's Patent Decisions are also found in: *A Treatise on The Law of Patents for Useful Inventions in the United States of America*. (1849) by George Ticknor Curtis, Appendix pp. 500-580; (They are not included in the later editions of Curtis.); MacArthur's Patent Cases (Reports of Cases arising upon Applications for Letters-Patent for Inventions, determined in Circuit and Supreme Court, [The Court, at this time, was the Circuit Court and not the Supreme Court] District of Columbia, on Appeal from Commissioner of Patents, vol. 1, (1841-59), 1885 by Frank MacArthur; and in Federal Cases, see Federal Cases Digest and Tables of Citations p. 30.

¹⁰⁷ These Patent Decisions, (cited Cranch Pat. Dec.) like many of Cranch's other opinions included cases of interest from an historical point of view. *Bain v. Morse*, MacArthur Pat. Cases 90, Curtis 571, Fed. Cas. No. 854 (C.C. D. C. 1849) was a part of the litigation surrounding the famous Morse telegraphy inventions.

¹⁰⁸ *Supra* note 95, at 500

¹⁰⁹ 2 Hayw. & H, 185; 200.

¹¹⁰ *Daily National Intelligencer*, Monday, Sept. 3, 1855, p. 3, cols. 1, 6; See also 2 Hayw. & H. Appendix 435-438; *Daily National Intelligencer*, Tuesday, Sept. 4, 1855, p. 3, col. 4.

¹¹¹ *Memoir of the Life, Character and Writings of John Adams* (1827) by Wm. Cranch p. 1, (read before the Columbian Institute at a meeting held in the Capitol, March 16, 1827. The Columbian Institute which was organized October 7, 1816, for scientific and literary purposes, is said to have laid the foundation for the future National Museum. See *Supra* note 10, at 315).

There being nothing further and our program for this afternoon being completed, I will entertain a motion to adjourn.

Mr. Glasier: I so move.

The motion was seconded, voted upon, and carried.

The meeting adjourned at three-fifty o'clock.

TUESDAY AFTERNOON SESSION

OCTOBER 17, 1933

At 2:00 o'clock members of the Association left the Hotel Stevens in taxis, provided by the American Legislators' Association, and were driven to their offices on the campus of the University of Chicago. After visiting the offices, the afternoon meeting was convened in the International House. The American Association of Law Libraries and the National Association of State Libraries were guests of the American Legislators' Association.

Mr. A. J. Small, State Librarian of Iowa, presided over the meeting. Papers were read as follows: "Bill drafting" by John H. Fertig, Pennsylvania Legislative Reference Bureau, Harrisburg, Pa.; "Statutory revision," by E. E. Brosard, reviser of statutes, Madison, Wisc.; Administration of a legislative reference bureau," by William R. Shands, Division of Statutory Research and Drafting Virginia; and "Integration in a legislative reference bureau and state library" by Henry M. London, Librarian, Legislative Reference Library, Raleigh, N.C.

The members of the three associations enjoyed a delightful dinner in the large hall of the International House, after which the meetings and discussion were continued. Addresses were made by Professor Joseph P. Chamberlain, Professor of Public Law, Columbia University, New York, N.Y., and by Mr. Edwin E. Witte, State Legislative Reference Library, Madison, Wisc.

WEDNESDAY EVENING

OCTOBER 18, 1933

The annual Joint Banquet of the National Association of State Libraries and the American Association of Law Libraries was held in one of the beautiful dining rooms of the Medinah Club at 7:30 P.M. The associations were honored by the presence of three distinguished guests, Dr. A. C. Breycha-Vauthier, Law Librarian of the League of Nations, Dr. Isak Collijn, Director, Royal Library of Sweden, and Dr. A. Vincent, Librarian, Royal Library, Belgium, who gave delightful and interesting talks. Mr. Lorado Taft, well-known artist of our own country, another distinguished guest, brought us a message of beauty and charmed us with his stories. Miss Alice Magee provided a pleasing surprise by presenting a singer of negro spirituals whom we had heard in New Orleans at our 1932 banquet. According to custom, Mr. George S. Godard, State Librarian of Connecticut, presided as toastmaster, this being the associations' twenty-eighth Joint Banquet, and Mr. Godard's twenty-eighth year as toastmaster.

THURSDAY MORNING SESSION

OCTOBER 19, 1933

The meeting convened at ten o'clock, Mr. S. D. Klapp, the president, presiding.

President Klapp: Will the meeting please come to order.

The first thing on our program this morning is the report of the Committee on Expansion. As you all probably know, Mr. Roalfe, the chairman of that committee is ill in Los Angeles. Mr. Glasier has kindly consented to make this report.

There may be some here who are not familiar with the program of the Committee on Expansion. It was discussed very thoroughly at Los Angeles.

Mr. Glasier was a member of that committee and he will be glad to answer any of your questions. I think the best thing, probably, is to make a round-table discussion of it rather than a report, so I will turn the meeting over to Mr. Glasier.

Mr. Gilson G. Glasier (Wisconsin State Library, Madison, Wisconsin): Mr. President and members of the Law Library Association: I do not feel at all qualified to preside at this round-table discussion. Although I was a member of the committee, I took no very active part in the work.

I think most of the work—in fact practically all of it—was done by Mr. Roalfe. It was his idea and he worked it out very thoroughly and very much in detail, and put a great deal of time on it.

I was not at the meeting last year so I did not get the benefit of the discussion which was heard at that time.

Perhaps it might help a little if I would just give the principal headings of the Expansion program. Mr. Roalfe, in this report that was presented last year, dwells first on the Association as a coordinating agency.

In going over this it occurred to me that the whole N. R. A. program was probably based on this and I think that is where President Roosevelt got his idea.

There was one paragraph in this first section that especially met my interest and attention. Perhaps it can be given as an example of some of the things the central agency would be called upon to do.

He says, "Nor should the Association overlook any opportunity to educate the members of these related groups". He refers there to the American Bar Association and other associations working along somewhat similar lines to that of the law library branches.

Here is his full statement: "Nor should the Association overlook any opportunity to educate the members of these related groups as well as the members of the legal profession in general, as to the importance of an efficient law library service under the direction of an adequately trained group, supported by resources sufficient to establish and maintain such a service.

"No first class library can be created in the absence of such an intelligent attitude on the part of those who use and support it. And similarly, the law library profession will never come into its own until such an attitude and appreciation is much more generally found among the members of the bench and bar."

Then he outlines the plan for a library and library administration.

Briefly, here is what the sections cover:

Three: He explains how the proposed central office is to act as a clearing house for general information.

Four: Research with respect to special problems.

Five: A depositary for statistical information.

Six: The Association is the sponsor of a survey on present law library conditions.

Seven: Legal bibliography and legal indexes.

Mr. Glasier then made a brief report of the previous meeting, off the record, and continued as follows:

Mr. Glasier: Mr. Roalfe has been ill, as your President has stated, and so far as any information or reports we have here go, there has been no progress made since the last report: It may be that Mr. Roalfe himself has done something, but if so we are not informed of it. The matter is now open for discussion.

Mr. Hobart R. Coffey (University of Michigan Law Library, Ann Arbor, Michigan): Were there some constitutional amendments that were to be voted upon at this meeting?

President Klapp: At the last meeting in discussing Mr. Roalfe's plan, I noticed that one section took up the matter of publishing the Law Library Journal.

At that meeting the question was left to the Executive Committee, and here was the problem we faced. After we had published the Proceedings all in one number, instead of spreading it out in subsequent numbers as has been done in the past, we ran out of material. The question was, what were we to do with those other three numbers.

The Executive Committee finally left it to our efficient secretary to find material and I think she had a little trouble.

We also cut out the check-list. Of course, I, in a way, have a little personal interest in this side of the question. I would like to know if the members prefer to have that check-list carried in the Law Library Journal or carried in the Law Library News.

I don't want you to think I am pushing this Law Library News. I am perfectly willing to drop it. It isn't that I don't like the work. In fact, I rather like to do it, but I don't think I can afford to publish it unless I have a little bigger subscription list.

During the year, by agreement of the Executive Committee, all members of this Association got the Law Library News whether they paid for it or not. As a matter of fact, I don't know who has paid for it and who hasn't. I have a sort of general idea, but that is all.

I was extremely busy last spring. I got in, I think, fourteen or fifteen checks and having to go away, I asked one of my girls to put them in the bank. A couple of weeks later I remember that I hadn't made any list, so I don't know whose checks they were.

We will have to decide at this time, for the incoming secretary, what to do about the Law Library Journal. If you decide to continue that, we ought to work out some kind of a plan whereby we can get the material.

If you remember the last issue was very meager, consisting of only a few pages. It was hardly worth while to publish and circulate it.

I should like to have your opinion on this.

Mr. Glasier: Will someone venture an opinion on this?

Miss Francis D. Lyon (of New York): I don't want to belittle the reports of the Law Library News, but you ask on the title-page for any criticism, and I am afraid I do have a criticism to make, because to me it is terribly inaccurate.

You have corrections in every other number and I think the typographical work is not so good as it might be. It is a very small sheet, and I tell you frankly that there are a great many inaccuracies in the Law Library News.

If we are going to pay three dollars for it and also pay for the Law Library Journal, it seems to me that we might better have the two combined.

President Klapp: I say frankly that I would like to see it go over to the Law Library Journal. As far as the printing is concerned; it costs me about sixty-five dollars to publish.

Miss Lyon: The list of local text-books in the former edition was always good as a medium of exchange of notes and that sort of thing.

Mr. Klapp: I think it was Mr. Coffey and quite a number of others who suggested that the list of textbooks wasn't used and after consideration it was discontinued.

Miss Lyon: I used it.

Mr. Klapp: We may be off on some of the session laws in New York, but I will stand back of my state work. As far as the printing errors are concerned, they are simply a result of my carelessness in correcting the proof. As a matter of fact, Sweet and Maxwell, of London, wrote me that they counted eleven errors on one page. Roughly speaking it is just a hurried work that had to be taken over and I am not anxious to continue it at all. I will say this; that while there may be one or two errors in our check-list now, we do spend quite a lot of time on it. The New York session laws may be in there wrong, but the others are fairly accurate, I know. The only other errors that I know of in the check-list are not my fault. It is the fault of the state librarian that sent me the information. It could be made very valuable if there were a little more cooperation on the part of the state librarians, especially. Now, in your case, of course, I get a list from J. B. Lyon Co. of their official reports and a list from Mr. Poole, but I have to depend for my New York material principally upon Mr. Stebbins, of Boston. I find he is better posted on New York, and Mr. Feazel in Cleveland. They are really the two standbys of the librarians.

Miss Lyon: I know, but Mr. Stebbins is in Boston. Have you ever tried anybody in New York?

Mr. Klapp: Yes, I think I wrote the New York State Library at one time and they referred me to the Lyon Co.

Miss Lyon: To J. B. Lyon, not me.

Mr. Klapp: I think they were in a position in your library to furnish that material for us. In fact, I know that they said that. I prefer to get the material from the state librarians and I send out cards every month—return cards. I don't send to New York, but to all the other states and I get back about ten usually out of thirty-five to forty cards. I have return postage on them and on

one occasion I received back two cards out of the lot; one from the East and one from the West. The librarian from the West had written on the card, "Please don't bother me with these cards. We don't expect to publish anything for a year".

However, I have received some compliments, too. I don't like to give it up unless some other idea is worked out here, because there are quite a number who want the information it contains.

Miss Lyon: You will forgive me for making a plain criticism, but that is what you asked for.

Mr. Klapp: If at the start there had been more criticisms on the errors that were made it would probably be in better shape now. Perhaps it would be well to stop and think, too, that I have about four regular correspondents. Most of the stuff I have to track down myself. I have had criticisms that are unjustified because three or four book publishers who supply librarians send out lists, which the librarians check against my law notes and find the former are five or six short. Then they say that that man Klapp is all haywire because he announces books years before they are published.

Mr. Fred Y. Holland (Supreme Court Library, Denver, Colorado): I find the Law Library News a very helpful publication in my library. While I will agree that I have found mistakes in it that I have checked, yet at the same time, I think all librarians will agree that you will find mistakes in almost every publication. I find it a very useful medium in checking up the state publications. It is very brief and I think it is fine for that reason. I think it is excellent as a medium of exchange of publications. I know that I have had the experience of being able to check with other librarians who had certain publications that I was very glad to exchange for some of mine. I think there is a very definite place for the News and I hope it will be continued.

Miss Helen Newman (The George Washington University Library, Washington, D. C.): Particularly on the matter of exchanges, I have been able through the medium of the Law Library News to make several desirable additions by exchanges that were also an advantage to the others.

I would like very much to see the News continued.

Mr. James C. Baxter (Philadelphia Bar Association Library, Philadelphia, Pennsylvania): While we are on the subject of exchanges, if any of you librarians can exchange session laws with me, I will be glad to send a copy of the Pennsylvania laws to anyone that can send me a copy. We are allowed fifty copies of the Pennsylvania acts and while we do exchange with a few, of course, we don't come in contact with them except at these meetings. Mr. Klapp has spoken of this exchange list. I also get the list and I find it very helpful to me. In fact, in one particular instance, it aided me very much in getting the fourth special session of Texas, 1933.

I don't know whether any of the rest of you had difficulty in getting that, but I did. I wrote several times to the state librarian and to the Secretary of State but couldn't get an answer. Mr. Ogg stopped in my library about two weeks ago, and upon my asking him about it, I found that he had it. I paid him two dollars and fifty cents for it, but it was worth it. It was the only way I could get it. You can't tell about the Texas sessions. They are sometimes not published for months.

If any of you wish to exchange with me, I shall be glad to send our copies out to you post paid.

Mr. Franklin O. Poole (New York Bar Association, New York City, New York): I think before any action looking toward the discontinuance of the Law Library News is taken, the Association should consider very carefully the matter of frequency of publication. As I understand it, the News appears monthly, and the Law Library Journal, quarterly.

Mr. Glasier: That is a very important feature. Does anyone else have anything to say on this subject? Are you ready for any definite motion on the subject?

Mr. Klapp: I would like to have something definite done right now. The year is up and the next volume will begin with the next number. If I make any deal with the printers, I will have to make it right away. It will make a big difference in the price if it is published only one month, as against a contract for the year. As I said before, I don't want to publish it if you don't want it. If you do wish to go on, remember it is your own publication. If there is anything wrong with it, we should know it, and if there is any information you want in it, we should know what that is, also. I don't know what to say about the subscription list. I don't think I will say anything about increasing it. I will leave it to you to do the missionary work, but I tell you that I am running behind. I am not taking in enough money. The outgo is exceeding the income.

As Mr. Poole said, the Journal comes out only four times a year, and in order to be fair to myself, there have been a lot of mistakes in the list the Law Journal carried. It is almost impossible to have absolute accuracy.

As a matter of fact, I think Mr. Feazel will tell you that he got the information on the Fourth Session of Texas through our office. The state librarian of Texas, Mr. Johnson, who took office this year, sends me everything including the reports of the Agricultural Department and he told me about those sessions sometime before they were published; and then another note came from him that they were published. I think it was November, but anyway he gave me the exact date.

This matter of a check-list was left indefinite at our last conference and I would like to see it settled. The only reason that we took the check-list out of the Law Journal was to cut down expenses. It was not necessary to carry two check-lists.

Mr. Glasier: Is there any further discussion on this subject?

Mr. Klapp: The former publisher of the News could tell you that he lost money on it, and he mimeographed it. Even if it is a rather rough job of printing, it costs money to print it. I have it printed very, very cheaply, I think. I believe our printer does it for about half what the ordinary printer would charge. He does it at that price in consideration of what outside work it brings him through our Association.

Mr. Glasier: I presume this matter is closely connected with the expansion program. If we ever get this expansion program working I suppose they will take over such services as this rendered by Mr. Klapp and the Law Library News.

Mr. Poole: I think Mr. Klapp has done a real service for the Association, and not only for the Association, but for many others who indirectly benefit by this thing. I believe we should tender him a most hearty vote of thanks and appreciation; and, along with it, a gentle suggestion that it be continued.

Mr. Klapp: I started it and I suppose I will have to finish it, but I would like to have something definite done about it.

Mr. Glasier: It has been moved that a vote of thanks be tendered Mr. Klapp for his work in connection with the publication of the Law Library News, and that he be asked to continue it for another year. It is also understood that the Association will back him up in his project.

Mr. Klapp: My idea right from the start has not been the texts. We all get announcements, and it is hard to publish because you all know that law books are announced by the publishers many months before they are published. It is also quite a job to point out the house that is doing the publishing. Everybody sells them and they would like to have you think that they are publishing them. I have tried to center more on the attorney generals' reports, state reports, railroad commission reports, et cetera. Our departed friend used to write me every three or four weeks to throw that stuff out, but I thought it was pretty hard to suit everybody, and have tried to publish the things that I thought would benefit the most. It is a cooperative proposition and if the librarians won't send back the cards then it makes it hard to do a good job. However, some of the states are very, very good about it.

I think, Mr. Holland, that I am up to date on Colorado, but I have sent out a series of ten cards, and twenty-two states have never returned even one card. That makes it a little hard, especially when you know that volumes have been issued from their states.

So if I carry it over, I will have to ask for more cooperation on the part of the entire membership, especially in the way of news. As I have said before, it is not hard work. We don't mind that. Quite a few times I have typed all the copy, read the proofs—that is why the errors were in there—and addressed the envelopes, stamped them and carried them over to the post office. In other words, I am the whole works.

Mr. Glasier: You have heard the motion. Do I hear a second?

Mr. Robert E. Jarvis (King County Law Library, Seattle, Washington): I would like to support this motion. I never had the opportunity to thank Mr. Klapp by letter or in any other way, up to the present time.

I have found his publication quite essential to the library and also quite economical up to the present time, since we have never paid for it. However, I will assure him that under the N. R. A., if he will send me a bill I will pay him for it.

A vote was then taken on the motion to extend a vote of thanks to Mr. Klapp, and it was declared to have been unanimously carried.

Mr. Glasier: I notice that last year the subject of institutional memberships was brought up and discussed and that there is a list here of some twenty libraries that had subscribed as institutional members in case this expansion program is to be carried out.

Does anyone know whether any additional libraries have subscribed since that time?

I presume the thing that is holding this matter up from further progress is the lack of funds in various institutions and libraries that are interested in it.

Do you wish to discuss it or do anything further with it at this time?

Mrs. Bernita J. Long (University of Illinois Law Library, Urbana, Illinois): One of the items of expansion on the program was in regard to the Index and I would like to get some of the members' ideas about a little further indexing.

In my library we use the Index a great deal and I find that there is quite a bit of material in related periodicals that is not indexed—economic and sociological material.

It is legal material, but it is in many other kinds of periodicals and I was wondering if there is any way we could get that material indexed.

We couldn't do it every time, of course, because there would not be material in every number of these periodicals; but if two or three people could watch a certain number of periodicals and send in the legal material in those numbers, and we could have an extra page in the Index, it would certainly help my library and I think it would help some of the others, especially the law school libraries. I should like to hear some of your opinions on that.

Mr. Glasier: Is that covered by one of the Wilson services, Mr. Poole?

Mr. Poole: Wilson doesn't cover legal material in anything except among the general material. I think that is a good suggestion about calling the editor's attention to this. Professor James of the Harvard Law School will do anything that anybody could do and if at any time you wish to call his attention to it, I am very sure he will put it in, if it is possible to do so.

Mrs. Long: So many of the schools are branching out in related subjects now, and other types of periodicals are connected with law, such as social science. I think in the future we are going to be using that a great deal. We do now in our library.

Mr. Poole: I agree with you that it is important. There is another thing that is important, and that we have never been able to undertake. That is the bringing out of the more important articles in periodicals of foreign countries. I refer to French, German, Italian, and Spanish periodicals. We have never been able to do that. It is largely because of the expense, but that is something which will come along, I hope, in connection with the expansion program, when it is to be presumed we will have more money to use. I know that the committee would wish that if anybody, at any time, has any suggestions along that line, including material in non-legal periodicals, that they would write to Professor James.

Mr. Coffey: I should like to ask Mr. Poole if the Journal is too expensive to print other than quarterly?

Mr. Poole: It is too expensive. When you hear the report presented, you will find that out. It would entail an increase in the subscription price and that seems exceedingly unwise for various, obvious reasons.

Miss Newman: With respect to Mrs. Long's suggestion, would it not carry more weight if the Association indorsed that suggestion in a letter and sent it to

Dr. James? I wonder if perhaps someone would like to put her suggestion in the form of a motion?

Mr. Glasier: President Klapp tells me that Mr. Poole has a report to make, or that his report is to be made at this meeting. Perhaps we should receive that report at this time. It is right along the line we have been discussing.

Mr. Poole then read his prepared report.

Mr. Pool: Committee on the Index and Journal: Financially this report covers the year ending October 31, 1932. It is hoped that tentative figures may be obtained for the year which will end October 31, 1933, but these can be only estimates and may not be available for this meeting.

The following shows in condensed form the transactions of the past two years:

	Year ending Oct. 31, 1932	Feb. 1, 1931 to Oct. 31, 1931
Receipts.....	\$5,345.35	\$6,336.41
Expenses incl. comm'n.	5,133.46	6,812.76
	<hr/> \$211.89 (Profit)	<hr/> \$476.35 (Deficit)

The deficit of October 31, 1931 was due to the addition on the expense side of the mechanical costs of publishing the last three year cumulation. The receipts from this cumulation are spread over the three years.

That the position of the Association is improved is shown by the fact that on October 31, 1931, the total owed the Wilson Company was \$803.22, whereas on October 31, 1932, this amount had been reduced to \$591.33.

Our business managers state that there has been an inevitable loss of a few subscriptions, but that they have added nearly enough new subscribers to equal this loss.

Although the exigencies of bookkeeping make it impossible to give definite figures for the twelve months just ending, there have been two interesting developments during this period.

We were approached by The Commerce Clearing House and one of the legal periodicals. In each case the propositions involved a combination which if adopted, would have materially changed the method of the production of the Index. Your Committee carefully considered the suggestions as presented, and did not feel that it was wise to recommend acceptance.

In reaching this decision your Committee felt that it was dangerous to disturb the present arrangements for the editing and publication, and that changes in the plan might involve alteration in the form of the Index, which form is familiar to law librarians, judges and attorneys.

It should be added that an analysis of the scheme, presented by the law review, seemed to indicate that it had more to do with the preparation and distribution of the Law Library News which our President has been issuing so effectively. The law review was referred to the President.

From the business manager, about a year ago, came a suggestion that we consider issuing the annual cumulations with a cloth binding and issue the Index bi-monthly, so that there would be four issues during the law school year,

omitting the summer months and the fifth or bound cumulative number in September. We found, however, that this would materially increase the annual cost and would necessitate an increase in the subscription rate. Any such increase in these times seemed unwise. The suggestion, however, has merit, and your Committee recommends that it be laid aside to be taken up on a more favorable occasion.

With the increase in costs now going on, your Committee asked the business manager to consider carefully whether there should be any corresponding increases in subscriptions. In reply Mr. Wilson wrote on September 19th, 1933:

"I suppose that libraries during the coming year will not be in any better position than in the current year. We have not been expecting to increase the price of any of our own indexes because it seems to us that libraries have been pretty hard hit during the depression and even if NRA brings some prosperity to the country it will hardly reach the libraries for at least a year or two. There might be some danger that a raise in price would make some libraries feel as tho they could no longer afford to subscribe and they might discontinue. I believe we have managed so far to keep practically all of the subscribers and to get enough new ones to balance the few losses. Of course the final decision rests entirely in your hands, but I believe we should have a preference for keeping on with the same price until times are better."

Your Committee concurs with the opinion expressed by the business manager.

Mr. Glasier: You have heard Mr. Poole's report of the Index and Legal Periodicals.

Mr. Baxter: I move that it be received and filed and that the committee be given a vote of thanks for the work they have done in this matter.

A vote was taken on the motion, after being duly seconded, and declared to have unanimously prevailed.

Miss Elizabeth Mallalieu (Nebraska State Library, Lincoln, Nebraska): How much would the subscription need to be increased if the Index is issued more often?

Mr. Poole: Mr. Wilson has estimated about fifteen per cent. That is a rough estimate. It is difficult to tell exactly, but the figures I have make it at least as much as Mr. Wilson estimates.

Miss Mallalieu: It seems to me that it would be so very desirable that I would like very much to see something done about it. In our library we have so many requests for information as to the Index that it is very hard to handle.

Mr. Poole: We have a very hard-boiled and wise business manager. He won't do anything to disturb the present status at the present time. The idea is not to upset the present rates. In fact, we may be in a position where we will have to reduce the rates to keep our subscribers, although I don't think that is likely.

Mrs. Long: Mr. Chairman, I would like to put my suggestion in the form of a motion that Dr. James index legal material in periodicals that are connected with our profession. I don't know that the motion would want to go in that form but that is the idea I wish to express.

Mr. Glasier: Would you include, for instance, legal material in a general magazine?

Mrs. Long: I imagine that it would have to be limited to a more definite class than that. I think there is a rather definite limitation. There aren't very many periodicals that have legal material in them.

Miss Newman: I second the motion.

Mr. Glasier: It has been moved and seconded that Dr. James be requested to consider the practicability and feasibility of including in the Index of Legal Periodicals, articles on legal subjects from magazines outside the regular periodicals now indexed by him. Is there any discussion?

Dr. G. E. Wire (Worcester, Massachusetts): Isn't it a fact that that Index covers practically all the material in the English periodicals?

Mr. Glasier: Only distinctive law periodicals are indexed.

Dr. Wire: I have had considerable to do with that and in the foreign language periodicals the use is limited to a few of our large universities, but they take the translations there. I don't consider that motion practical myself.

Mr. John Vance (Law Library of Congress, Washington, D.C.): I am wondering if Mrs. Long would include, for instance, the Saturday Evening Post. We all know there are many articles in the Saturday Evening Post with reference to the subject of crime, criminology, courts, et cetera.

It seems to me that it would be quite a task to go into the weeklies and semi-weeklies. Of course, too, in the daily newspapers there are a great many very interesting articles on legal questions, as well as sociological and economic questions.

I may be mistaken, but it seems to me at this time that we could hardly go into those extra-legal periodicals. However, I would like to see it done, if it were possible.

Miss Newman: I think that Mrs. Long's motion is looking toward the future and that she wants to get this matter on record and make it a suggestion to Doctor James. I feel sure that he would use his discretion, if he adopted this plan, in selecting those articles which would be closely related and in well recognized economic and sociological reviews—not probably in the Saturday Evening Post and others of that type.

Mr. Glasier: As I understand it, there would be nothing mandatory if the motion is passed. It is merely asking Doctor James to consider this matter, as Miss Newman suggests.

A vote was then taken and the motion was declared to have prevailed.

Mr. Glasier: Is there anything further on the expansion program? If not, we will leave that subject just where it was; no progress reported, and I suppose no prospect or possibility of progress under the present prevailing conditions.

Mr. Klapp: I move that this same committee be continued, and if possible, incorporated in the same resolution, I would like to move that we send a message of good will to Mr. Roalfe, with the hope for a speedy recovery.

The motion being duly seconded, a vote was taken, and it was declared to have prevailed.

Mr. Klapp: The editor of the Law Library Journal reminds me that we haven't decided what to do with that. If I might make a suggestion, I think that this membership ought to be able to send in enough material for the other three quarterly issues. The Executive Committee must help the secretary. It is rather a task for one person to gather in the material.

I think that perhaps it would be best if you took it up with the incoming Executive Committee and go along as we have for another year. As I take it, that was the sense of the membership.

We have heard some of the problems of the law school librarians. I find that the Bar Association librarians also have their questions and they are sometimes just as big and important as those of the law schools.

I am going to turn the meeting over to Mr. Baxter, of the Philadelphia Bar Association. He is anxious to have anyone who has any interest, or any questions to ask on bar association libraries do so.

Mr. Baxter: Mr. President, and members: According to the program as outlined here today, the round table is to be confined to bar association problems.

Now as we of the bar association are in the minority, with Mr. Coffey's consent and approval, we will also discuss the law school problem. He was to preside at the round table tomorrow on law school problems, but I think as they are so closely related, we will include the law school with the bar association problems.

Last year Mr. Feazel presided at the round table when considering bar association problems. He had written to five or six of the librarians, requesting them to send in a paper of about five or ten minutes in length. They were so enthused—at least several of them were—that they devoted probably half an hour to each paper. The result was that we had about two papers read and it precluded any discussion we might have had afterwards on bar association problems. Therefore, we are just going to discuss the problems with one another and we hope you will feel free to discuss them and that we will derive a lot of benefit from it.

I have one question that I would like to ask you. Do you have any basic principles or rules for the building up of your lists? You know in these days when there are so many text books printed, and with these various digests and loose leaf services, it becomes a problem as to which one we shall take. I should like to hear you freely discuss this, because it is something I would like to know myself as to how the other libraries are handling these matters.

Miss Newman: I believe this is a problem that rises in both bar and law school libraries. It is the question of call slips and whether or not the student or lawyer applying is required to give any identification, other than simply signing the name and address. In my library we have in the past not required any identification. We simply had the person sign his name and address. He then received the book at the call desk, but when the book was returned he was not given the slip.

Recently we have been having some difficulty in the way of persons giving fictitious names and addresses and also on the question of persons returning books

and the book not being found until several days later, someone else having gotten it in the meantime.

I would like to hear what is done in other libraries; first, on the question of identifying persons calling for the book; and, secondly, whether or not you return the call slip when the book is returned.

Mr. Baxter: That is not one of our problems. Each member, of course, pays his dues. He comes in and asks the boys, who are there to give this service, for the books, after having made out the list of books he wishes. When he is through with them he leaves them on the table. If it is necessary to take the books to his office, he leaves a signed slip and this is given back to him when the books are returned. We have no identification. We are familiar with all our members. We don't cater at all to students.

Miss Newman: If the student or lawyer was not known to the assistant how would he identify him?

Mr. Baxter: He would come to me.

Miss Newman: Is your library really confined to members?

Mr. Baxter: We have about eighteen hundred paying members out of thirty-six hundred members of the bar.

Mr. Coffey: In the library at the University of Michigan we are open not only to the law school but to all members of the University; and, as a public library, to lawyers in the state. It is very difficult for us to know to whom we are giving the book. Occasionally we make mistakes and don't see the book again. That is not often, however. It is rather unusual. We have never found it practicable to require each person to identify himself as he comes up to the desk; nor do we give back the call slips when the book is turned in. It takes too much time. It is easier to set aside one or two hundred dollars a year to replace lost or missing books—or stolen books, if you will—than to go to the trouble of making every individual patron identify himself.

Mr. Baxter: In our library every member is held responsible for the book he takes out. If he loses it, he must pay for it.

It is a membership library and is kept up by association dues. If everyone who took out books was not responsible, we would be continually buying books.

Mr. Klapp: Our library, up to the first of July, was a closed library. Since then it has been a public library, and we are trying out a scheme requiring a fifteen dollar deposit. It is not a charge, but a deposit from any lawyer who wants to take out books. Any other lawyer cannot take them out, except, of course to the court room, and then he must have an order from the judge. We found that without some kind of a policy to guarantee their coming back, we wouldn't have much of a library in four or five months. For that reason, too, we put a limit on the number of books that may be taken out, so this fifteen dollars will provide the necessary finances to buy new ones if the old ones are not returned. There is also a time limit on the return of the books and fines are taken from this fifteen dollars. We have always had that provision of fines, but have never been able to collect it before. Now with this fifteen dollars in cash deposit, we get the fines.

However, it isn't there just for the fines, but it is good business, and is a good method by which to make them send the books back on time. They know it will cost them fifty cents a day.

Mr. Jarvis: I am very much interested in hearing these ladies and gentlemen, who are in charge of libraries tell of the different methods they use.

I don't know, but it may be because I live in a country of "wide open spaces", we run our library by the easiest methods possible.

It is a county law library and has been existing for seventeen years. When started there was no shelving or anything else; now we have thirty thousand volumes. It is open to everybody and we don't ask anyone to take out a charge slip or anything else. He is permitted to use the book. We try to watch those that come in and watch those that go out to the best of our ability. We lose very few books; probably two or three a year. We keep a duplicate charge slip for everybody that comes in. If the books are not returned, we send to the court room and get them. If the books do not appear in twenty-four hours we find out why they don't appear. If some lawyer has taken them to his office against the rules, we request him to return them. We have very little trouble with anything of that kind. Our stacks are all out in the open, in one big room, except that we have four briefing rooms. In one of these rooms we have magazines, and in another room we have session laws; that is, the old session laws. We let the lawyers go to the stacks and get what they want. We find that is really the best way with the number of lawyers we have. Sometimes there are forty or fifty lawyers in the library at one time. We don't have any trouble with the books at all except when examinations come around. Then we have law students in from all over the state. There are certain publications that they will take away and forget to bring back. These are mostly foreign books and books used in schools. We have quit keeping on our shelves any class books because we can't keep them. We are not under any obligation to try to keep them, so we let the university suffer in that way. We find, or at least I have found that the legal profession is very easy to get along with as far as their honesty is concerned. Some are neglectful, but I think very few are dishonest. We have never found yet in the seventeen years anybody selling books at the second-hand stores. My experience with the legal profession has been very pleasant.

Mr. Baxter: That is very interesting, Mr. Jarvis. It may help some of us in our work.

Mr. Klapp: I would like to ask if you allow records of briefs circulated?

Mr. Jarvis: We do not allow them to go out of the library.

Mr. Baxter: We are not supposed to, but I use my own judgment. It depends upon who wants them. If I feel that a person is responsible, I do allow them to go out, but some of them I refuse.

Of course our transcripts of record date way back. Judge Baldwin left them to us with the provision that they be not allowed to go out of the library and that a certain lawyer in Philadelphia should not be allowed to look at them. As long as that particular lawyer lived he was not permitted to look at them. That was the starting of our transcripts of record and they are fairly complete. I guess they date back to 1830. Of course, too, we have a complete set of the papers of the Superior Court. They are all bound as they come out.

Mr. Klapp: My experience is that a rule is not very good when you begin to stretch it. This is only my own personal experience. Suppose we let John Smith have one of those volumes of briefs as a special favor. The man in the

next office happens to drop in there—somebody that you wouldn't want to have them—and he will come to you and say that you let John Smith have them. For that reason we have a rigid rule that none of these records and briefs shall go out. Our experience has been in the past that we would occasionally find a record cut up and mutilated, the lawyer probably having clipped it in building up his case or for use as an exhibit. I wonder if that is the experience of anybody else here.

Miss Lyon: I speak for New York State again, and I refer to Mr. Rosbrook's library up at Rochester. They go so far as to advertise in the advance sheets. They have a full page there advising that any record in the Supreme Court Library at Rochester will be sent to any lawyer in that jurisdiction and to any librarian in the state upon request. He makes it a matter of publicity in the state. We do send our records and briefs to any lawyer within the state. We also send them outside the state. We have been doing that for at least twenty years. I never recall any clipping out of records or anything of that sort. We do make an effort not to let them go to New York City. The lawyers there aren't very brisk in returning records and briefs. We always write first and urge them to borrow from the city library.

Miss Lydia L. Kirschner (Worcester County Law Library, Worcester, Massachusetts): We circulate books all over our county. We are not a law school library nor an association library, but we have no trouble. We do demand a letter of introduction from some member of the local bar before we circulate books. We know our clientele and circulate very freely most of our books. We do not circulate our briefs and records, however. We stretch our rules on a great many things, but never on our briefs and records. As Doctor Wire said, they don't even go into the court room. They have to use them in the library. When we circulate books we have a little printed slip that each person signs for the book that is taken out. They are allowed to keep them out two weeks, with the proviso that they will return them if they are called for or wanted by any member of the bar or by the judge. There is a fine of five cents a day for keeping them overtime. Also, on some things there is the privilege of renewal for a week or two weeks, if necessary. We have had very few books lost from our library in the number of years of my experience.

Mr. Holland: With respect to the circulation of abstracts and briefs and records of the Supreme Court; in my library in Colorado we also have a rule that these may not be taken from the library, but that rule, as in your case is more or less flexible. However, it is due entirely to whether or not an emergency exists if we permit those abstracts and records to go out. I find that works very well for this reason: If a law firm or lawyer is up against it for an abstract or brief and needs it hurriedly and is willing to sign the receipt for it, we permit him to take it. But if some young lawyer wishes to copy some pleading in that record we ask him to copy it in the library. We always ascertain first whether or not an emergency exists.

Miss Kirschner: How do you ever expect to replace those briefs if you lose a volume of them? In our state they are limited to the number of briefs filed and only a few libraries get them. If they are lost, they are lost for good. Do you have any way of duplicating them?

Miss Lyon: We have a difficult time. We check them up by our records to try to get them from the lawyers, but we just don't lose them.

Mr. Baxter: Dr. Wire, I think you told me that you wouldn't allow even the Chief Justice to take them out.

Dr. Wire: That is true.

Mr. Baxter: I think if we refused one of our Chief Justices, he would make a complaint to the board.

Dr. Wire: The Chief Justice is one of our board of directors. He doesn't ask any favors, and we have to have things in there for the Chief Justice when he wants them. He is that type of man, so we endeavor to have everything there for him when he wants it. We don't take any chances. I don't remember anybody ever asking to take out the briefs and papers. Once in awhile someone wants to take them into the court, but I won't risk that. They might rip out a few pages for exhibits.

Mr. Baxter: This seems to bring about more discussion than anything else. I would like to get on to some other subjects. What about the services? Do you take all of them from the various houses? How do you decide which ones you shall take and not take? I suppose the law school librarians are not bothered with those or do they take these services also. I didn't think they did. There have been so many new ones coming out recently that we need someone to take care of those services. They are going to become a burden, I am afraid.

Mrs. Long: We take several of these services at our school and I make it a point to get those that the professors ask for, but not the others. It soon counts up. Practically every professor wants a loose leaf service, but I have made it a point to have them take care of their own services. I don't have enough assistants to do it myself and so I tell them, that if they get the service they will have to keep it up to date themselves. They are very glad to do that. I notice that they are the ones that use the service very much more than the students do. Most of them keep the services in their offices. That is how I work out that problem and it seems to be very satisfactory.

Mr. Poole: Doesn't that problem you state resolve itself into unnecessary duplication of publications?

Mr. Baxter: Prentice-Hall is situated in Philadelphia, and most of them want to take the one they are familiar with, and so most of them take the Prentice-Hall service, and others from the other firm in our city.

Mr. Holland: I take certain services from one house and certain ones from another. That is how I solve the problem when there are two publishing houses issuing a digest for the same state. I think there is a very serious problem there, such as in Indiana. It might be helped considerably by consideration from the law librarians. This duplication of books is terrific, to my way of thinking.

Mr. Baxter: I don't know what we are going to do if things continue. We are cramped for room now. We have room for ninety thousand volumes and don't know where we can put the rest. They are not giving us any more room.

Mr. Holland: It seems to me that this Association might very well look into the feasibility of appointing a committee or some body which would look into the possibility of reducing the number of unnecessary duplicate books; that is, legal publications.

Mr. Baxter: That was the question I put up. How can we decide which book to buy and which book not to buy?

Mr. Holland: That is where the Association could do some very fine work.

Mr. Baxter: If we could have such a committee as that, the committee could recommend that certain books should be bought in preference to other books. For example, in the two duplicate encyclopedias of federal procedure; both are excellent, and I have bought them for our library, but one is certainly sufficient. If we had someone from this Association to recommend one publication and discourage any publication by some other publisher on the same subject, I think it would help a great deal.

Miss Anna M. Ryan (Law Library, Buffalo, New York): I think you can't decide which is the better book. We all have our opinions.

Mr. Coffey: I should like to ask the librarians in some of the law school libraries and bar association libraries whether they attempt to keep up with the digests for all the states in the union.

Miss Lyon: We do.

Mr. Baxter: We do in our library, or at least, we try to. I am now buying all the reporter systems' digests; those new ones, with cumulative supplements, and I think we will do away with some of these other state digests. This reporter system is practically up to date.

Mr. Coffey: What you say is very interesting because we have this problem at Michigan, as I suppose you have everywhere else. These loose leaf services and digests, and annotated statutes are eating us out of house and home every year and a larger and larger share of our appropriation is going to those services. They are very useful at the time but in a few years are obsolete, and add nothing to the wealth of the library in the long run. We have recently decided at Michigan to call a halt. We are going to keep up on the state digests of nine of the larger states, and for the rest of the states, the faculty and students have got to rely on the American Digest System. I am not sure that we are going to continue with the annotated statutes. The state has recently published a code and I rather feel that we will have to be content with that in most instances. As has been suggested here, the publishers are running us ragged. For instance, I believe the annotated statutes of Indiana was published first by Bobbs-Merrill Company, of Indianapolis. The Banks-Baldwin Company, without saying anything to anybody, brought out a supplement; used the headings and paragraph numbers of Bobbs-Merrill Company and then came to the latter company and offered to sell it. That forced Bobbs-Merrill to bring out an entirely new edition, because you see their project had really been taken over by somebody else. And we are the ones that suffer.

Mr. Glasier: This subject has been in my mind for some time. It has given us a great deal of trouble and anxiety. There certainly is a very unnecessary duplication of material and an unnecessary padding of the law books published; not condensed as they should be, and not properly edited to cut down the number of volumes.

We buy the Decennial Digests. You buy the Reporter System—just clippings and compilations of various sections of the country. The publishing company goes ahead and gets out individual digests for each state. There are at least three duplications there.

The only reporter system that we purchase is the Northwestern, which includes Wisconsin. We have cut out all the others. We do sometimes buy the

individual digests gotten out by local editors because you can often find through those, points of law that are not brought out by the others. That is the extent of our duplication. I think some of these digests are not only duplicated, but made much more full. In other words, they are padded. They are quoting from opinions, instead of really digesting. That is sloppy editorial work, in my opinion, and I think this Association ought to appoint a committee.

I don't know that this is the proper procedure, but I suggest that this Association appoint a committee to consult with the publishers and cooperate with them to see if they can't work out some system that will relieve this situation somewhat. I think we will not only be doing ourselves a favor, but we will be doing the legal profession a good turn, if we can accomplish something along that line.

Mr. Jarvis: I have a very high regard for law book houses, probably because that was the starting of my career. I was with the West Publishing Company for fifteen years. However, I do think that competition is driving them into rather severe means at the present time.

We have had recently in the State of Washington an instance of that kind where a man got out a code. We have had a three-volume code in that state. Now it is twelve volumes. They sell it for ninety dollars and they rushed to get it out a year before the last session of the Legislature, so they might be ahead of a local code man. Of course, those things are entirely wrong. They have a supplemental service for that code. They charge ten or fifteen dollars a year for carrying that along, and in a few years, as this gentleman said, it is of no account. You have to get out a new edition. It is the same with text books.

These special services, I think, are about the worst thing we have to contend with at the present time.

The matter of publishing books is, of course, entirely up to the law book houses. They are going to publish them. They have to publish them if they survive in the business, but I think they encroach upon the good-will of almost everybody. Recently the West Publishing Company got out the Pacific Digest. That digest is a sort of misnomer because in Washington it is the Washington-Pacific Digest, and in California it is the California-Pacific Digest. We have thirteen states in the Pacific organization and they have digests all the way through like that. To top that off, a lot of lawyers cooperated with West Publishing Company and they are getting out a Washington Digest that will probably sell for seventy-five dollars. Those things are graft and I think there should be some way of stopping them.

Of course, there are a lot of good law books coming out that deserve a great deal of credit. I don't think we can select by committee what kind of books we buy. It is up, more or less, to the law librarian or board to select their own books. However, I do think there ought to be some way of discouraging the law-book houses from publishing so many books that are really duplications.

Mr. Klapp: If anything is done along these lines, I personally think it better for the committee to work with the bar associations, rather than with the law-book publishers, because in the long run our libraries are very, very small in pro-

portion to sales. Therefore, our protest wouldn't go very far, but we could do a wonderful missionary work through the bar associations.

Miss Newman: I would also favor the appointment of a committee as suggested by Mr. Holland, not only to consult with the law book publishers, but to advise some of us librarians in the matter of purchase of books.

For instance, one in doubt as to a certain jurisdiction, could write to the committee and the committee could communicate with the library in that part of the country and secure the necessary information. In my own case, I might be able to furnish something from the District of Columbia which might not be available in another jurisdiction. I heartily favor the suggestion of having a committee.

Mr. Baxter: I have written to the state librarian or the local bar association asking their opinion as to the best digest and have taken their word for it.

Mr. Clark Boardman (of Vermont): Two law schools that I recall, bought twenty-five or fifty copies of the case-books they were using in that school and rented them out to the students at fifty cents a week. Of course, if they had a large number and continued them for several years, it would be quite a source of profit to the law school. I never heard of that before.

Mr. Baxter: You say that is being done?

Mr. Boardman: I found two schools that are doing it.

Mr. Baxter: That doesn't do the publisher much good does it?

Mr. Boardman: No.

Mr. Poole: This matter, I think, has been before the American Bar Association at different times since its organization. I think that in addition to the local bar associations; I mean in addition to asking the support of the local bar associations, or inviting them, we might be able to get the support of the American Bar Association in this problem because it is one which has been discussed at their annual meetings from time to time for the last fifty years. It is a problem which the lawyers have to face, of course, just the same as the librarians.

Mr. Baxter: Will someone make a motion to that effect?

Mr. Poole: I make a motion that a committee be appointed by the incoming President of the Association which will look into the advisability of trying to prevent the unnecessary publishing and duplication of law publications. In other words, to explain that motion, I think it is a matter which should be given consideration before we attempt to take any steps to bring about action—any action. I think if we had certain members of this Association to work on the problem first and arrive at some definite course of action, and report before they take action, it would be the thing to do. I don't know whether that meets with your approval to have them report back to the Association.

The motion being duly seconded it was put to a vote and declared to have prevailed.

President Klapp: We thank you very much, Mr. Baxter. This has been a most interesting session. If there is no further business I will consider a motion to adjourn.

Mr. Poole: I move that we adjourn until two-thirty tomorrow afternoon in this same room.

The motion being duly seconded, it was put to a vote and declared to have prevailed, the session adjourning at twelve o'clock, noon.

FRIDAY AFTERNOON SESSION

OCTOBER 20, 1933

The meeting convened at two forty-five o'clock, Mr. John T. Vance, First Vice-President of the Association, presiding.

Chairman Vance: Ladies and Gentlemen: When our distinguished President wrote me and asked me if I would preside at the meeting this afternoon he said, "Miss Gregory is going to speak on Cataloguing, and Cataloguing will be the main subject of discussion. You know more about it than I do anyway, so I wish you would preside". Of course, I doubted that.

Miss Gregory, however, is not present. In her absence, or until she can be found, we will go right along with the program. The next number is, "Cataloguing Law Libraries of under 50,000 Volumes," which will be discussed by Dr. G. E. Wire, who is so well-known to the profession of law librarians and state librarians that it does me great honor to present him. He needs no introduction.

Dr. Wire read his prepared address.

Dr. Wire: Cataloguing of Law Libraries under fifty thousand volumes. Part one.

The basis of this article first appeared as a supplement to my seventh annual report in nineteen hundred and five. My remarks are as true today as then, and I have, if possible, strengthened them at all points. In reconditioning the Worcester County Law Library, I employed graduates of three different library schools, other than my own, for experimental purposes, and I certainly did have experiences all right. Making over the rooms is another chapter all by itself, to be treated later, by me, I hope.

Fortunately nearly all of the works most commonly found in our law libraries are in the English language. A few French books are found on Code Napoléon; a considerable body of the Canadian reports is in French; Latin is used in some of the works on Roman Law; and law Latin and Norman French are found in the older English reports and law dictionaries. But 99% of the books commonly dealt with are in English.

Law books especially text books and the statutes of some states, are fully indexed. It is not unusual for the index to extend to 100 pages and the table of contents to cover as many pages, and in one 3 volume work I found an index of 269 pages.

Any one looking for Duchess of Kingston case in an index would look under D just as soon as he would under K and would expect to find it entered under both D and K.

But any lawyer expects to find the books under their proper heading and to do this one must have some knowledge of law. If only a small amount of time can be given, read one of the abridged editions of Blackstone's commentaries. If more time can be spared, and if one is to have charge of a law library, it must

be spared, read Robinson's Elementary Law and cultivate Bouvier's Dictionary. We made no *sees* or *see alsos*; they are useless, annoying and irritating. A law library is a special field and frequented by a special body of men in search of some one definite thing. They know about what they want and if they do not, need some one to help them, and should not be left to the stony mercies of a card catalogue. In this library no one is referred to our excellent public card catalogue, much less is any attempt ever made to compel them to use it. But they are encouraged to state their question and then all due diligence is exercised in hunting up material for them.

The full list of subject headings used in this library, will be found in Law Library Journal, Vol. 25 pages 211-218.

Regarding the old rule of *sees*, *see*, *alsos*, *refer froms*, etc., from every subject on the title page, to every other subject on the t. p., I am now giving you a fictitious t. p., just to illustrate my point. The cataloguer, ignorant of law, to whom it is all more or less nonsense, would revel in Jones, Charles S. "A treatise on bankruptcy, liens, habeas corpus, rule in Shelleys Case, ex post facto laws, homicide, hand writing, fingerprints, marine insurance, and idiocy." There are eleven subjects, multiplied by itself equals one hundred and thirty two entries, all positively good to her and all positively idiotic to you. Are they not law and so they must be related is her query. And she cannot understand your point of view at all. I was on the A.L.A. committee on subject headings, for the first, and second editions of their book, and had hard work to keep entirely just as foolish references, of a medical nature, out of the printed list.

All subjects must be given with care and a knowledge of the technology of law. For instance we enter under Trusts, only works relating to trusts as property held for the use of another, its primitive legal meaning. Usually we follow it by works on Trustees. We put all works on the modern commercial trust, which combines the minimum responsibility with maximum money getting power under the head of Monopolies. Then in some New England states a form of garnishment or attachment is known as Trusteeing or the "Trustee Process". We prefer the latter form. Here are three different classes of books, all law books to be differentiated and placed under their proper subject heading. The omission of a single word will change the meaning of a title some times but the classification will keep one straight. A reader came in and wanted something on Estoppel. I got him our best book on the general subject, Herman on Estoppel and Res Judicata. He found Bigelow on Estoppel in the catalogue but the classification number showed me it was in Real Property and not a general work.

One of the first things I did, was to make on index sized cards a list of text books. As I did each work, on the back of the card I put the subject headings for that work, so that the subject catalogue could be made from them, as was later done.

The entire subject catalogue is contained in two 15 tray cabinets of Library Bureau make. Public catalogue cards are standard P size. The official catalogue cards are I size. We omitted or expunged from the public catalogue a number of headings as found in the printed list—Crime for instance. Being a free public law library, open to all, we considered that we had a duty to perform in not

advertising crime, adultery, trials and various other topics, to the detriment of callow youth. Lawyers, as a class are too busy chasing the fugitive and almighty dollar to waste any time on such topics.

Trials are not mentioned in the public catalogue as a subject. Individual trials as a rule do not appear either in the public catalogue. This is one of the many advantages of having two card catalogues.

Of late years, we note the younger lawyers seem to feel that they have to use the excellent public catalogue, either through having been required to do so in college, or on account of being afraid to expose their ignorance. Some times they try to catch us by saying "Harvard has it" which entirely fails to move us, **as we are not running in opposition to Harvard.** We feel like telling them to go right along to Harvard, but that would not be polite, and we are nothing if not polite. No reader is required or requested to look into the excellent public catalogue.

The bulk of readers, over 95 percent, come right to the standing desk, and ask for a book on so and so, and the books published during the last five years are right there. Generally speaking if there is a work on the subject mentioned by the reader the library has it.

In a law library, restricted to a limited class both of books and readers, full names are unnecessary and uncalled for. The use of them would be needless, the time consumed in looking them up criminally wasted, and the names would not be used or appreciated. In fact they would be more misleading than anything else. For instance: Greenleaf, Simon. Treatise on the law of evidence, is more liable to mislead than if it were written simply Greenleaf, Evidence, as this latter form is that in which it is everywhere known.

We purposely refrained from using full names, even when they appeared on the title page. According to all catalogue rules the full name is of almost more importance than anything else. So in New England, whence we came by the early catalogue rules, the cataloguer went on writing Dickens, Charles John Huffam, Oliver Twist. Dickens himself always used his first and last name only, and that is the way he is known to millions of readers. The first four lines on this subject are of the original report, and I can not make them any stronger. I am now warning you most emphatically and specifically against the influence of any cataloguer, and of any set of cataloguing rules on this subject. This library has carried on without full names for over thirty-five years. The law library needs more than any form of routine, some one who knows the books thereof and where to find them. The library school graduate is zealously trained in cataloguing on a limited number of things, and that is all that can be done in the time given to that subject. They are not allowed to deviate, or taught to make any allowances for different libraries, or varying conditions. The graduates of these three library schools had no idea of the treatment of continuations, or serials, or of documents of any description. Of course they were guiltless of any knowledge of law, or of anything else, I had almost written.

Titles are also cut as will be shown by examples, care being taken to give the real title and to indicate the work. Some books are so well known, like Greenleaf, Evidence, as to require only a word or two. The tendency with modern authors is to give short titles, but once in a while a book will be met

which gives an analysis on the title page. Hughes on Contracts is an example of this. His title page contains no less than 272 words before one comes to the author's name.

I am no friend to analyticals, and especially short analyticals of less than ten pages. They fill up the catalogue, irritate the reader, and consume an amount of time and energy wholly out of proportion to their value. I have seen books actually catalogued to pieces in this process, actually analyzed out of the covers. In this day of printed material they are a waste of time in a general library, and a double waste of time in a law library. The reader does not want scraps, he wants a book on a subject. Pre-eminently is this true in a law library where the numerous digests, encyclopædias and dictionaries take care of all this material. In law text books the rule is that the greater includes the less, and one expects to find related subjects treated in the same book. Usually any deviations are stated on the title page and it is unnecessary to go back of that for any entries. A work on Real Property is expected to include Conveyances, Deeds, Easements, Mortgages, Wills and a number of other subjects. Analyticals of law works would only be temporary in character and ought to be removed as soon as the demand ceases. On the whole, the best way to help the reader is to help him directly to new cases, cases so new they are not yet in the text books and are only found in the digests. This personal work should be done in every law library, and is vastly superior to any system of analyticals. In doing this, the librarian of course uses the catalogues, digests and dictionaries himself and presents his work to the reader, thus individualizing and specializing the work and suiting it to each reader and his case.

Take the subject of Federal Inheritance Tax; that is all covered by the works on that subject. But we always keep pamphlet copies of U.S. and Mass. laws on those and other live subjects on our reading desk, and no analyticals or "see alsos" in the catalogue on those subjects. The most ornate catalogue has its limitations, and cannot take the place of cordial and efficient personal service.

The law library should be a living example of this very service, and it was our joy and pride to provide this service.

I have had occasion to explain to visiting library school classes the American Digest scheme, the West Publishing system of reporters, the American decision series, now running as American Law Reports, as a reason why we did no more in cataloguing. Also our own A.A.L.L. Index to Periodicals, and the bibliographies, Harvard Law Catalogue, Soule's manual, Hicks' manual, and so on, and several more series and sets of cases, abbreviations, and general "what not" peculiar to the law. When I told them that it was part of a law librarian's job to keep in her head some 1800 abbreviations, they gasped in unison, and wondered how she did it.

In other words this is a reference library, and the catalogue is but a means to the end. But few if any of the members of the school had had experience in such work, and they evidently expected the catalogue to do the work. Your best reference is your own self and your knowledge first hand of the books.

The following fifteen books* were old enough to be well seasoned, when the first notes were written. Some of them at least are probably to be found in any library reached by this article, and so become object lessons in cataloguing. A

note right here on so called "Old Books." Do not throw them out as junk, or trade them in with the law bookman towards a new book, or a new edition. Did it ever occur to you that he was making money on them, or he would not be so anxious to have you turn them over to him? Save all the old editions, by all means.

To bring the collection of titles right down to the present, I have added another lot of fifteen titles, for the most part published within the last five years. Some of these at least are to be found in any law library. The titles are selected with that end in view. The perpendicular lines in the titles show the ends of the lines on the original title pages.

At first we were generous with our entries, in one case making as high as fifteen entries for one book, in this case following the regular cataloguing rules. Later we threw out most of those fifteen entries.

As will be seen further on in this article we departed from some of the cataloguing rules and made a few of our own. Any one is privileged to do as much. Only if you do so, stick to the rules you make. Don't wobble back and forth, or you surely will make a mess of things.

Coxe and Cox, Greene and Green, Lock and Locke, Smith and Smithe, are the guide cards in the public catalogue which show how we simplify things whenever and wherever possible.

*The Interpretation | of | Mer-cantile Agreements | a Summary of the Decisions as to the Meaning of | Words and Provisions in | Written Agreements for the Sale of Goods, Charter Parties | Bill of Lading and Various Policies. | By | John Dennistoun Wood | London | Stevens and Sons | 119 Chancery Lane | Law Publishers and Booksellers | 1866.

This was cut and catalogued as Wood, J. D. Interpretation of mercantile agreements. L. 1886.

The following subject headings were entered on back of the author card Charter party; Lading, Bill of; Insurance, Marine; Sale. No headings were made under the opening words of the title, as this matter was only explanatory and so what would seem like foreign subject entries were given to the work.

The Law | of | Private Arrangements | between | Debtors and Creditors | with | Precedents and Assignment and Composition | Deeds. | By Reginald Winslow L. L. B. | London | William Clowes and Sons Limited | 27 Fleet St., | 1885. It appears on our author cards thus:

Winslow, R., Private arrangements between debtors and creditors L. 1885. The following subject headings are given: Assignment; Composition; Debtor and creditor; Fraud. This shows as much cutting of title, but not so great change of subjects. The opening subject, private arrangements, is covered by the subject of Fraud, as they are considered in the law to be fraudulent.

Wellbeloved, Robert A. Treatise | on | the | Law | Relating | to Highways | Comprehending | Turnpike Roads, Public Bridges, | and | Public Foot Paths; | in which the Provisions of the Several | Highway Acts | are Carefully Arranged | According | to the Subject Matter. | To which is added | an Appendix of Forms and Precedents. | Samuel Brooks | Law Printing Office | 35 | Paternoster Row, London | 1829.

This appears on our cards as; Wellbeloved, R. Law Relating to Highways; L. 1829 and on the back of the author card is put one word, Highways. No mention is made of foot paths, turn-pikes, etc. A lawyer looking up these subjects would reach it there, as quickly under highways as under other, and more headings. Furthermore, it is all English statutory law 75 years old and out of date, even in England, and never did apply in this country. It might be referred to in order to fill out a brief but that is all it is good for.

An Essay | in a Course of Lectures | on | Abstract of Title: | to Facilitate the Study | and the Appreciation | of the First Principles | and | General Rules | of the | Law of Property | Stating in General | the Duty of Solicitors in Preparing, etc., and of Counsel in | Advising on Abstracts of Title. | By Richard Preston, Esq., | Barrister at Law | (2v. in 1) Vol. 1. I. O. Halstead, New York, | Wm. Abdallah Halstead, Philadelphia, | Law Booksellers, | 1828. This was entered under Property, Real, and Conveyancing. No attention was paid to the two leading words, abstracts of title, for both would have been misleading. Abstracts as used by the author did not have the same meaning as it does at the present day and in this country.

Fiero, J. N. Practice | in | Special Actions | in the | Courts of Record of the State of New York | under the | Code of Civil Procedure with Forms. | Albany, 1888.

Fiero, J. N. Practice in Special Proceeding | in the | Courts of Record | of the State of New York | under the | Code of Civil Procedure and Statutes with Forms. | Albany, 1887.

These two titles are exactly alike with the exception of the words actions and proceedings. So they must be catalogued separately and proper subject headings assigned for each one.

Thompson, I. G. Law and Practice | of | Provisional Remedies | with an | Appendix of Forms. | Albany, 1867.

In cataloguing this work I called to mind one treating of similar subjects which is, High, J. L. Extraordinary | Legal Remedies | Embracing Information | quo warranto, Mandamus | and Prohibition | Chicago, 1884. On looking up the card for High, I found the following subjects had been assigned, Information; Mandamus; Prohibition; Writs.

Both of the striking words in the titles, extraordinary and provisional are but pegs to hang the title upon, they are not proper cataloguing entries. As a general thing we do not go back of the title page but in the case of Thompson we assigned the following subject headings for it. Arrest; Attachment; Bail; Claims and delivery; Injunctions; Ne exeat; Receivers; Writs.

In the old alphabetical order of text books, when classification was comparatively unknown except in a few subjects, the next work on the shelf was Thompson Law of Electricity. | A Treatise | on the | Rules of Law | Relating to | Telegraphs, | Telephones, | Electric Light, Electric Railways and Other | Electric Appliances. | St. Louis, 1891.

On looking over the work we find that it only needs cards on the following subjects: Electricity; Telegraph; Telephone. Almost nothing on trolley lines, not enough to send the reader to it, so this subject as well as that of electric lights is omitted. Here we did not go as far as the title page. Each book is to be decided upon separately for each library.

Chamberlain, D. H. *Doctrine of Stare Decisis* | N. Y. | 1885. This is a plea for respecting the decision of the Court and was given these subject headings: Courts; Jurisdiction. Further along in the alphabetical order comes this book Chand, Muluk, *Treatise on the Law of Res Judicata Including Doctrine of Jurisdiction, Bar by Suit and Lis Pendens* | London, 1894. This work was given the following headings: Courts; Jurisdiction; Lis Pendens; Limitations. Both men wrote on the same subject, one in the United States, and one in India and both using dissimilar names for the same subject.

Kyd, S. *Treatise on the Law of Corporations* | 2v. L. 1793-1794. The preface of the second volume is dated The Tower, Sept. 1, 1794. The author was confined on a charge of treason with several other men, among whom was Horne Took, and improved his enforced leisure by writing this work.

He uses the word "corporation" in the old sense, see pages 12 and following and also Blackstone. But it would be entirely misleading to make this a subject heading, and so the book is entered as follows: Charities; Trusts; Uses.

Hurd, R. C. *Treatise on Right of Personal Liberty and on the Writ of Habeas Corpus and the Practice Connected with it with a View of the Law of Extradition of Fugitives* | 2 ed. by Hurd, F. H., Albany, 1876.

This title appeared on the catalogue card as follows: Hurd, R. C. *Treatise . . . on writ of habeas corpus. . . 2 ed., by Hurd, F. H. Albany, 1876.* No mention is made of the right of personal liberty, as that is included under the head of habeas corpus and a lawyer would so think of it. These are the only headings needed, Extradition and Habeas Corpus.

The Law | of | Husband and Wife | Parent and Child | Guardian and Ward | Master and Servant | By Tapping Reeve. | *Revised Annotated* | 4 ed. | By James W. Eaton | Albany, N. Y., 1888. This is given the subject heading Domestic Relations, as this includes all the other subjects and four separate titles would only be filling up the catalogue needlessly.

Stephen, A. J. *Law of Nisi Prius Evidence in Civil Actions and Arbitration and Award with Notes and References to Latest American Decisions* | by George Sharswood | 3 vols., Phil., 1844. This appears thus on the card, Stephen, A. J. *Law of nisi prius evidence in civil actions and arbitration and award.* Am. ed., by Sharswood, G. 3v. Ph., 1844, and the following subject headings are given it: Arbitration; Award, England; Evidence; Nisi Prius; Practice. Some of these are called for on the title page and some are necessary as the book is originally an English book for English lawyers.

Association of American Law Schools *Selected Readings on the Law of Contracts* | from | *American and English Legal Periodicals* | with an Introduction by | B. N. Cardozo. | Compiled and Edited by a Committee | of American Law-schools |, New York, | N. Y. The Macmillan Company | 1931, carded as Association of American Law Schools, *Selected readings on the law contracts*, N. Y. 1931. On back, Contracts.

Ballantine, H. W. | *Ballantine's Manual of Corporation Law and Practice*, | *A Treatise on the Principles of Corporation Law and Practical Directions on Organization. Corporate Forms.* | Chicago | Callaghan and Company | 1930 |, carded as Ballantine, H. W. *Manual of corporation law, and practice*, Chicago | 1930. On back, Corporations.

Chapman, C. | The Law | of Advertising, | Introduction by E. E. Calkins. | Harper and Brother, | Publishers, New York and London | 1929, carded as Chapman, C. Law of advertising N. Y. 1929. On back, Advertising, 1929.

Davis, W. J. | Aeronautical Law | , Parker, Stone and Bond Co. | Publishers | [c., 1930] Los Angeles, | carded as Davis, W. J. Aeronautical Law L. A. [1930]. On back, Aviation.

Deutsch, Samuel, | and Balicer, Simon. | How to Prove | a Prima Facie case | New York | Prentice-Hall, Inc. | 1928 | carded as Deutsch, S. and S. Balicer, How to prove a prima facie case, N. Y. 1928. On back, Practice.

Durant, W. C. Editor | Law Observance, | Shall the People | of the United States | Uphold | the Constitution? | Durant Award Office | 250 West 57 Street | New York, N. Y. | Carded as Durant, W. C. ed. Law observance, N. Y., 1929. On back, Liquor laws; Prohibition.

Hopkins, J. L. | The law of | Trademarks, Tradenames, | and Unfair Competition | Including Trade Secrets, Goodwill, Federal Trade Commission Proceedings, the Federal Trade Mark Acts | the Trademark Registration, Acts of States and Territories, and the Canadian Trademark and | Design Act Annotated, with Forms of Practice and for Registration. | Fourth Edition. | Cincinnati | The W. H. Anderson Company | 1924. | Carded Hopkins, J. L. Law of trademarks, ed. 4 Cin. 1924. On back, Trademarks.

Library has editions one and two, no copy of edition three, but space is left for it on the card. This work is nearly ten years old but is chosen for the long t. p. and second for that grand and glittering array of possible subject headings. Just consider what an elegant time would be had with those dozen headings. 12 x 12 equals 144 does it not? The lawyer expects to find all that matter in a volume on trademarks, anyhow, so no need for wasting cards, labor and time on all those subject headings.

Lawrence, F. F. | A lecture | on the Substantive Law of | Equity Jurisprudence. | In two volumes | Albany N. Y. | Matthew Bender and Company | Incorporated 1921. Carded Lawrence, F. F. . . . Equity jurisprudence, two volumes Albany 1929. On back, Equity. I wrote the author card myself, and did not care enough about substantive to look it up, and do not to this day know what it means. No use making a fancy heading for it. It is classed in M equity, thats all.

Parmelee, G. H. | Damage Verdicts, | Excessiveness or Inadequacy | of Verdicts in Actions for | Personal Injuries | Assault | Death | (including verdicts in action for malpractice resulting in bodily injury or death; and verdicts | under civil damage acts) in two volumes. | Lawyers Cooperative Publishing Company, Rochester New York | 1927. Carded Parmelee, G. H. Damage | verdicts . . . Rochester, N. Y. 1927. On back, Damages—thats all.

Pomeroy, J. N. | Code Remedies: | Remedies and Remedial Rights | by the Civil Action | According to | the Reformed American Procedure | a Treatise Adapted to the Law in all States and Territories | where the System Prevails | Fifth Edition Revised and Enlarged | by Walter Carrington, Boston, | Little, Brown, and Company | 1929, carded Pomeroy, J. H. Remedies and remedial rights in civil actions, according to reformed American procedure. . . ed. 5 edited by Carrington B. 1929. On back, Code; Practice; Civil Remedies. This title

might have been cut to Civil Actions, and only code on back. No, we make no editor cards, one more unnecessary thing, book is known and called for under its author, always.

Sundelin, C. A. | on | Automobile Insurance Including Fire Insurance, | Theft Insurance, | Collision Insurance, | Conversion or Embezzlement Insurance, | Transportation Insurance, | Public Liability Insurance, | Property Damage Insurance, | as Applicable to Automobiles, | Albany, N. Y. | Matthew Bender and Company, | Incorporated 1929. | Carded, Sundelin, C. A. Automobile insurance Alb. 1929. On back, Insurance, automobile. Beautifully staggered t. p. Here was a chance according to the old rule for 8 times 8 cross references, or "see alsos", all entirely unnecessary. The subject heading as above given covers all those things.

Thornton, W. W. A Treatise on | Combinations | in Restraint of Trade | Sherman Act, July 2, 1890, Clayton Act, Oct. 15, 1914, Federal Trade Commission Act, Sept. 26, 1914, | Webb Pomerene Act, April 10, 1918. | [Second edition of Sherman Act, and first edition of Clayton, Federal Trade | Commission and Webb Pomerene Acts.] The W. H. Anderson Company | Cincinnati | 1898. Carded Thornton, W. W. Treatise on Sherman Anti-Trust Act ed. 2. Cincinnati 1928. On back, Monopolies, Sherman Anti-Trust Act.

No entries under the various acts, as they are all covered by the word Monopolies, and every one is supposed to know that fact, and if they do not, they need some human help right away, and do not need a card catalogue. Everything can not be put in that much abused card catalogue.

Thorpe, G. C. | National and State | Prohibition | under Eighteenth Amendment, Including | Industrial Liquor Regulation, | Digest of Cases, Forms, | and | Words and Phrases, Peculiar to Their Liquor Industry, | Judicially Defined. | Kansas City | Vernon Book Company | St. Paul, West Publishing Company | 1926. Carded Thorpe, G. C. National and State Prohibition, under eighteenth amendment, Kansas City, 1926. On back, Intoxicating liquor—thats all. Official card in my own handwriting.

Vernier, C. G. | American | Family Laws | a Comparative Study of the Family law | of the forty-eight American States, | Alaska, the District of Columbia, | and Hawaii (to Jan. 1, 1931). Volume one | Introductory Survey and Marriage | 1931. Stanford University Press, Stanford University, California. Carded Vernier, C. J. American family law v. one. Introductory survey and marriage, Stanford U. 1931. On back, Marriage. Cards for all that geographical detail unnecessary.

Wigmore, J. H. | The Principles of Judicial Proof, or the Process of Proof as Given by Logic, Psychology and General Experience, and Illustrated in Judicial Trials, second edition, entirely revised and rewritten. Boston. Little, Brown, and Co., 1931. | Carded Wigmore, J. H. Principles of judicial proof ed. 2, B. 1931. On back, Evidence.

The words "On Back" refer to the subject heading or headings, the word "Carded" is short for catalogued. One more reason for short cataloguing is that in the class and type of the law libraries for whom I am writing, the books are in most cases kept in the library, and should be readily accessible at all times. The catalogue is a guide to the books, not a substitute for them. It will readily be

seen that these later works with a few exceptions have much shorter title pages, than the older ones. In fact, in order to find the horrible examples, we wanted, we had to go back of the five year period.

Regarding old editions; the policy of this library is not alone to retain the old editions, but in the case of American authors especially to acquire the old editions, within reasonable limits, of course, as to price. There is a complete set of Cook on Corporations, first edition Cook on Stockholders on its shelves. Greenleaf on Evidence lacks only the third, eighth, and ninth editions.

In writing the card, if for example the only copy you have is edition three, it is of course the thing to do to enter it on the third line from the top. This shows your lack of the first and second editions, and is a reminder to be on the lookout for them.

In the first fifteen titles I used the words "this was cut," by which I mean the title was cut.

Always remember that the library never dies. In 1898, I found a number of textbooks, mostly by Hildreth, had been allowed to go to the office of the justice of what is really our police court. The justice would not return them to the law library, so I went down there and set the library embossing stamp on the title pages and made a list of these books, entered them all on the author cards in pencil, with the initials "D. C." also in pencil, and waited. Of course I made a separate list of them also. Since my retirement, that justice has paid the debt of nature, and my efficient successor, with all due tact, has retrieved those volumes, inked up the cards, given the books the Lucelline treatment, and they are now on the shelves, after all these 35 years.

The moral is that you not be led into paying a high price for a book, if it is one which can wait, that is, older editions, old session laws, and various items to fill up gaps.

This is how we keep the different editions lined up. Greenleaf on Evidence Ed. 1 is marked G 84. Ed. 2 is marked G 842. Ed. 3 will be marked G 843, when it is acquired. Ed. 4 is marked G 843 and so on.

I now pass to cataloguing what we technically know as state reports, always entered under the state, and the name of the honorable court.

In cataloguing court reports we did not always follow the rule to enter under the court reporter. Strictly speaking the court is not the author of the reports, but in most of our state reports, it is so considered. In some thirty-three of our states there is a straight one, two, three arrangement of volumes which greatly facilitates matters. In all cases we followed the arrangement as found in Soule's manual, as far as sequence of volumes is concerned. The exact title of the court must be followed, absolutely. Connecticut, Supreme Court of Errors, New Jersey, Court of Errors and Appeals, and so on. I am giving the author cards of four states as follows, Connecticut, Kansas, Massachusetts, and Vermont. Also I give some running comment on them and other topics.

CONNECTICUT SUPREME COURT OF ERRORS

Reports. v. 1-115, 1785-1932.

Litchfield, 1789, N. Y.-1930.

Hartford 1930-1933.

Then on lower line.

1785-88 1 v. Kirby.

1764-87 2 v. Root.

1802-13 5 v. Day.

On the cards the running, or current dates, volume numbers, and places are of course in pencil.

Attendant supposed to know Kirby, Root, and Day, as Conn., and the two Chipmans as Vermont, the whole Vroom family as New Jersey, also the Monroe family in Kentucky and many more. If not, take a swift look at Soule's manual on way to shelves. This library places all the state reports, except, of course Mass. on the reader's table, also any of some 47,000, and other volumes, no trouble at all.

KANSAS SUPREME COURT

McCahon, v. 136, 1858-1932.

Lawrence, 1864—Topeka, 1932.

On lower line.

McCahon, 1858-1861, is territorial, Chic. 1870.

It is not good form for the librarian to be running to the public card catalogue for reporters' names. You are supposed to carry in your head those of your own state, and those of as many of the other states as possible. The dead English reports should be shelved in one alphabet, and generally speaking, one can remember them as such. If not a swift glance at a table of abbreviations will most generally help you out. By dead, I mean not now currently published, and so not needing growing space on the shelves.

MASSACHUSETTS SUPREME JUDICIAL COURT

Reports v. 1-280, 1761-72, 1804-1932.

B. 1824-1933.

Then on lower line, and next card.

8 v., 1761-72, Quincy.

v. 1-17, 1802-22, Mass.

v. 18-41, 1822-40, Pickering.

v. 42-54, 1840-47, Metcalf.

v. 55-66, 1848-53, Cushing.

v. 67-82, 1854-60, Gray.

v. 83-96, 1861-67, Allen, A.

About this consecutive numbering; in some cases it is not official. I heard only in Oct., 1932, the Honorable, The Chief Justice of Massachusetts, specifically direct the members of the bar to cite the reports, by reporter and volume, 16 Pickering, 13 Allen, and 10 Cushing. But outside the Old Bay State, these same volumes are known as Massachusetts. We entered them Massachusetts Supreme Judicial Court Reports, Boston 1-280.

VERMONT SUPREME COURT REPORTS

v. 1-103, 1789-1827, 1828-1930-1931.

v. P. (of publication) 1793-1932.

v. 92-95 New series v. 1-6.

v. 96-102 New series v. 1-5.

Then on lower line, and next card.

1789-1791, 1 v. Chipman, N.

1789-1824, 2 v. Chipman, D.

1800-1803, 2 v. Tyler.

1815-1819, 1 v. Brayton.

1825-1827, 2 v. Aikens.

In those cases never mind the reporter, he is liable to be changed by death, or the Legislature, and he simply does not count.

None of the names of these reporters, or those of any other state, and all of the states, as well as any secondary of the English reporters, like Crompton and Jervis are used at all in the card catalogues.

I do not advise filling up the catalogue with individual reporter cards, it is a foolish and unnecessary waste of cards, labor and time. In all cases your library doubtless has a full set, if it has any of a state report. It may be that you are building up a set; well then enter the volumes in pencil; when set is complete make an ink card. As above printed, make necessary notes on lower lines of card.

New York State in 1894 held their sixth Constitutional Convention. The records of that meeting were not all published. Vols. 1-3 and 6 were published, vols. 4 and 5 were not published.

A note on the bottom of the official card refers to a letter in the files, date of Jan. 31, 1899, from Mr. W. S. Biscoe, then of the New York State Library, since retired, but still of the same library, stating these facts. Always put the information where it will really inform and always gather all such information at the time as I did, for the benefit of future generations, and record it somewhere. That is what a law library is most particularly for.

I give only three of the old English reports. As before noted they are, what we technically call dead, no more volumes issued.

Barnewall, R. U. and Creswell C.

Reports of cases . . . in Court of Kings Bench, 10 v. L. 1823-1832.

Moore J. B.

Report of cases in Court of Common Pleas. . . 12 v. L. 1818-31.

Young, E. and Jervis J.

Reports of cases in Courts of Exchequer. 3 v. L. 1828-1830.

Confession is good for the soul, and we can afford to tell of this mistake, we did not make many, we assure you. Cutler Patent Cases, six volumes, came along, was inked up, fore and aft, yes I have been reading Cape Cod stories lately, and all was well. There was nothing in print to tell us anything else at that time. Subsequently, Harvard Law School kindly sent the library a copy of their most excellent printed catalogue, and we found that Cutler's Patent Cases, were very much alive, and we hustled to fill up that set. That was, I think, during the last war, and they were held up in England as they might, if captured by Germany, be of assistance to that energetic nation. This was of course some time after England was shipping fats to Germany, because their Oxford officers, well grounded in Latin and Greek—no sciences—did not know that fats were used in manufacture of high explosives. One day we found four different volumes, seemingly different editions of the same work, under varying titles—probably more Harvard cataloguing. So we wrote them up in legal bibliography under the title "A Comedy of Errors."

The current official English reports are catalogued thus under their titles alone.

Law reports Chancery Division 112 v. L. 1876-1933.

Law reports,

Kings }
Queens } Bench Division 93 v. L. 1876-1933.

Law reports, Common Pleas Division 5 v. L. 1876-1880 (Discontinued).

Law reports, Exchequer Division 5 v. L. 1876-1880 (Discontinued).

Law Reports, Probate Division L. 1876-1933.

Law Reports Appeal Cases 47 v. L. 1876-1933.

Law Reports, Indian Appeal Cases v. 1-47. L. 1874-1923.

In cataloguing the older English reports, we did not follow the cataloguing rules and enter under the courts, as that would be utter nonsense, a waste of cards, labor, money, and time. They are always cited, called for, and known, by the reporters' names, and by these alone. They are really the authors of those reports. Not consistent, of course not, we made a catalogue, not a fetish to be worshipped. We were not counting dots, nor respecting red or blue lines, nor putting a single word on a lone card when it might better be squeezed in on bottom of original card. A law library is different from other libraries, and the catalogue should vary accordingly. My standing and stock illustration is an actual occurrence. The library had lately purchased at auction for \$8.35, a copy of Pennsylvania laws 1742 folio, in poor secondhand condition, back cover gone entirely, all but a small corner of the title page missing, several pages of text ditto, with a piece of binder's board for a back, tied up in wrapping paper. But I knew that the Library of Congress could for a suitable consideration, photostat those missing pages, and our bindery in our rooms could do the rest. You should see it now, back cover in red niger goat, front cover inlaid, bond end papers silk sewed, and on the back Pennsylvania Laws, 1742, B. Franklin, two line stamp at bottom, and on side date of repairs.

This girl had a number of books to catalogue, and I always insisted on seeing the cards, before they went into the catalogue. Of course I did most of the classification and assigned the subject headings. On this occasion I said to her "where are the books?" "what books?" was her answer. "Why the books these cards are supposed to represent," I replied. That of course to her was an entirely useless and annoying procedure. Had not she catalogued them, was not that sufficient? To return to Pennsylvania. True to form she had copied what she considered the important items there on the title page and then had entirely overlooked the item which gives the book its distinction, and its value. I quote the title page from the photostat of the Library of Congress copy.

THE CHARTERS OF THE PROVINCE OF PENNSYLVANIA
AND CITY OF PHILADELPHIA
(*Coat of Arms*)

Philadelphia printed and sold by B. Franklin MDCCXLII

This is a facsimile of the official card, "Pennsylvania general assembly collection of all the laws of the province of Pennsylvania now in force [edited by John Kinsez] 1842. "Folio printed and sold by Benjamin Franklin 1742."

Last is my note on bottom of official card. She had dragged out of deserved oblivion the name of the editor, (an editor of laws was a fairly rare occurrence in those days) according to those cataloguing rules, and here he was on the title page. What would have happened, had there been no editor, as was most generally the case, in those days, I shudder to contemplate.

I don't suppose for one minute that name meant a thing to her, and she was a high school graduate. B. Franklin, as a diplomat, patriot, and a printer was, evidently, an unknown quantity to her.

This same cataloguer entered as follows, Massachusetts Legislature: Session Laws. Of course that would not do, shades of the sacred codfish! And I had to see that those same session laws were properly entered Massachusetts, General Court Session Laws.

None of those three girls had an idea of what I had done, of my previous record, or of the work I was then doing in classifying, cataloguing, in making over the rooms, organizing the library, and above all making the library indispensable to the lawyer. There had been a fight on over the management of that library, about which I was entirely ignorant. So I had to live down a lot of prejudice.

As far as they were concerned, that library died when their work was done. I had to exercise undue diligence to see that they did not ink up, and close up cards which should be left open, for future additions. Believe me there was no spite work in revising. In fact most of the revising was omitted as unnecessary. I have known hours and days of time to be worse than wasted, in vindictive, hateful hectoring of cataloguers, by a head cataloguer, to the extreme of affecting health on both sides.

After our work of reorganizing the library, details too numerous to mention, we were favored with a call by a recent library school graduate, who of course was blissfully ignorant of all law libraries. Books, rooms, everything was overlooked. She made a bee line for the public catalogue. "Why the call numbers are not all on," said she, of course not knowing that in all probability, ours was the only law library, outside of Columbia and N. Y. State with any call numbers. "Why, your books are not all accessioned," nor are they to this day of writing this note. Well!!! About that time my patience was exhausted by such shallow and needless criticism, and I gave a short and forceful lecture on law libraries, and this one in particular!!

Periodicals should present no difficulty. Less than half a dozen sets, possibly, in this type of library have changed their name in the last hundred years. Better buy the college law journals, a set at a time, beginning with Harvard, (they can always sell you a set, as they are reprinting all the time). Yale has not yet, so far as I know, reprinted. Columbia, Cornell, Michigan, Illinois, Minnesota, California are all good buys, with no discrimination on others; this subject deserves an article all to itself. Won't some one please write one?

Don't attempt in the case of a continuation to explain things in the title entry. You have several lines left for the purpose of notes at the bottom of card. Also you will find many of the law periodicals in Harvard Catalogue, and in Hick's Manual.

This library has been catalogued, two card catalogues, one official and one public made, classification made and applied, all in fifteen months time by one

person. The library numbered at that time 20,360 volumes. This came from my making the classification and applying it largely myself. By my revising what classing I did not do myself, by omitting unnecessary things, full names, dates of authors and all cross references, cutting of titles, we were able to accomplish this result. This library numbered on March first, nineteen thirty-three, 48,941 volumes by the accession books, and is coming out of the small library class, but the aim still is to keep the routine as simple as possible. All work is dropped in order to wait on the readers, that is what the library is for, that, and for the preservation of its material.

We made and printed in some of our annual reports continuous numbering tables for several of the state reports, and for the United States Supreme Court Reports, and hope one of these days to print them in the columns of the Law Library Journal.

Short list of works useful in cataloguing a small law library.

*Dewey, M. Simplified library school rules, Library Bureau, 1898.

(L.B. Has been acquired by Rand Kard Index.)

Harvard Law School Catalogue, Cambridge 1909. Author and title. 2v.

Hicks, F. C. Materials and Methods of Legal Research, with Bibliographical Manual. Lawyers Cooperative Publishing Company, Rochester, 1923.

Missouri State Library, Catalogue of the Law Department. Jefferson City, Missouri, 1915.

Soule, C. C. Lawyers Reference Manual, 1883. Out of print, but put in to fill out the list.

Session laws will form part two, and Classification, part three of this paper, to appear later.

All those within sound of my voice know of my reputation, but to many to whom this printed sheet comes I am a stranger. I am both a law school graduate, and a library school graduate, and further have had over thirty years experience in law library work. See my printed record in Who's Who in America, vols. one to fifteen inclusive. In closing as always I make this offer to any one actually engaged in cataloguing law books, on receipt of ten cents in stamps for postage, to send actual copies of catalogue cards, if you will tell me about your difficulties.

Chairman Vance: I am sure we are very grateful to Dr. Wire. Everything that Dr. Wire says is always interesting and enlightening, and we can only hope that he will, like a library, live a thousand years, at least.

We next have on the program our very able Secretary, who will speak on, "Law Librarianship in Private Offices".

Mrs. Lotus Mitchell Mills read her prepared paper.

Mrs. Mills: A large Wall Street law office differs from law offices elsewhere in many other respects than in size. Wall Street is the center of the borrowing and lending of capital funds, and the Wall Street lawyers, representing the banks (the lenders), and the large industrial corporations, public utilities and the railroads (the borrowers), are occupied principally in directing these operations through their proper channels. Their work therefore is mainly of a constructive nature—providing the legal mortar for the business structure of the country. The character of the work in the law office determines the character of the library and the librarian's work.

* Now on sale by H. W. Wilson Co., New York City, N. Y.

Office law libraries are not large when compared with those of the universities. Our library has about 10,000 volumes, and must for lack of space be kept at about that number. Harvard, Yale, the University of Pennsylvania, Columbia, and the other schools from which our lawyers come each have hundreds of thousands of volumes. The office law librarian's problem is to make her smaller library do the work of the larger ones in the special fields in which the office is interested. For works of reference she draws on the law libraries of more general content.

The thing of first importance of course is the book collection. Our library is comprised for the most part of the usual reports and statutes. We have the West Reporter System, the various digests, the statutes of the states in which we have active clients, the English Reports, the law reviews of the larger schools, a number of books of general reference, and many sets of special reports. We also subscribe to most of the loose-leaf services. Although we do not by any means buy all of the new law books, we do buy all the good ones relating to corporations, finance, New York and Federal practice, international law and taxation. Because space is always a consideration in business offices, we do not give room to books we do not often use, such as old editions of text books, with a few exceptions, old editions of statutes, and of annual handbooks. We discard, in fact, several hundred volumes a year. By these means we keep, not a complete reference library—that would be impossible—but a very good working library.

Perhaps the most distinctive feature of a private law office library is its collection of memoranda of law, prepared in the office. These have a usefulness which it would be difficult to exaggerate, for they deal with special problems which, though untouched upon in law reviews and text books, may recur in one aspect or another any number of times. A memorandum, one even twenty years old, may save a lawyer days of research when time is especially valuable. These are fully catalogued like the books of the library as soon as they are written, and kept readily accessible.

The library also has a file of several hundred corporate histories, a practice which originated in our office. These are made up of opinions of counsel, and copies of the various supporting papers and corporate proceedings necessary for various bond issues, reorganizations or other changes in the capital structure of the corporation. For the larger corporations and their subsidiaries these may run into dozens of volumes. To a financial law office they are invaluable.

First, the books; next, the lawyers—that is where the librarian is concerned. The office law librarian knows her public, and in this she has an advantage. The largest offices seldom have more than seventy lawyers, and not all of these use the library frequently. The librarian, almost without giving special attention to the subject, learns what kind of work each one does, what he is most likely to be interested in, and the ways in which she can be of most assistance to him. Sixty-five lawyers—the present number in our office, four of them young women—afford a variety of temperament and the librarian's work is never in danger of becoming routine. Practicing lawyers too are always engaged in matters of present interest, large or small, and the librarian comes to feel she has a part in the world of affairs.

The interest of the work is not diminished by the circumstance that the librarian is generally given a free hand in organizing it. She may receive suggestions, but more often she is expected to make changes and anticipate needs. She has all the weight and all the stimulus of full responsibility. There is ample scope for initiative and good management. To the librarian who keeps in mind that the library is the intelligence service of the office, the potentialities of the position are virtually unlimited. It may even in time become the function of the librarian, who is also a lawyer, to direct the writing of memoranda of law, composition of briefs, and research generally. These matters are now left to individuals.

The library is, in short, very much the librarian's own show, and often she may find that she is the only one to supply the criticism and the applause. A librarian, like any other professional person, wants to talk shop and air her enthusiasms and problems, but the law office librarian finds little opportunity for this inside her own office. She is cut off within her own library from other librarians and from anyone who has her own professional feeling for the library.

I have tried to make it clear that conditions in a law office library are somewhat different from those in an institutional library. In my kind of library adaptability is the quality most to be desired. The librarian must meet the formula set forth in the Ninth annual report of the Board of Education for Librarianship, which says on page one, "the most effective training for librarianship is that which is designed, not primarily to give instruction in established practices, but to stimulate in the librarian of the future the ability to recognize opportunities for service, to adapt accepted methods, and to devise new procedures and organization".

Another convenient quality, to come from the general to the particular, is the ability to find things quickly. In the usual case this is not difficult. The librarian knows her library and where to put her finger on things. Even when a lawyer asks for a case the citation for which he has forgotten, the name of which he remembers imperfectly, the date conjecturally and the substance fragmentarily, it is not impossible to discover it readily enough. This is the kind of problem every law librarian has to meet. The difficulty comes when there is a call for something of a specialized nature not to be found in the library. This is an exigency which frequently demands a well blended combination of speed, ingenuity and a dash of guile. One usually begins by calling up the other law librarians and trying to borrow it, or if the request is for a new book, one asks the book dealer to send it down on approval. These failing, we consult the subject index of the Special Libraries Directory of New York, find a number of libraries covering our subject and often the search ends there. On occasion, however, it is necessary to widen the field of inquiry. I well remember one Saturday morning when I was asked to get together certain material for a lawyer who had been called to Europe on short notice and was sailing that night. By noon, I had collected everything but one book, seemingly the most important of all. By three o'clock after trying all the places where it might possibly be bought or borrowed, I was still without it. About four o'clock I finally found it at a loan library. If the librarian had suspected my intentions toward her book, I would surely not have gotten it even then. Fortunately she did not see

my eager clutch nor follow me 'round the corner where I sent it by a Western Union boy to the boat. In about five weeks time it came back and I'm sure never divulged its wanderings.

I have tried in this paper to outline the nature of the work of a librarian of a private law office in such a fashion that readers not familiar with such work may get some inkling of whether it would be attractive to them or whether they would be fitted for it. I hope I have also made it clear that one who plans to work in this field must have some aptitude for it and also some special training. The Board of Education for Librarianship in speaking of its part in a program of professional education says in the Ninth annual report "It may aid in effecting a close relationship between the changing needs of the library profession and education for librarianship; for example, though studies of training for *special* fields of library service and of special types of training agencies". This is encouraging because it shows that those in charge of library schools have realized the need of such training. Those not already lawyers who plan to become law office librarians should realize that their work will be comparatively much more effective if they have some training in law or at least in legal terminology. At the Columbia University School of Law, Professor Cheatham is now giving a course called "The legal profession" which would be admirably suited to the purposes of a prospective private law office librarian. The advantages of such instruction will not be limited to the librarian and her employers. Any special training will, by so much, raise the standard of the librarians' profession generally, not only in its own ranks but among the laymen.

There is one other point I would like to make. Many law offices do not realize that there *are* private law office librarians or how useful they can be. It seems it should be the work of the Association to let it be known that people of training and experience are available. The American Association of Law Libraries can act as a clearing house for the benefit of both librarians and employers. When Mr Roalfe's Expansion Plan goes into effect and the Association has a central office, undoubtedly this will be realized.

Chairman Vance: We certainly are grateful to Mrs. Mills for this very interesting paper. Unquestionably the duties of a law librarian of a private law library are as arduous as those of a public law librarian, and from Mrs. Mills' efficiency as Secretary of this Association I am quite sure she runs her law library just as she does the American Association of Law Libraries.

Our first speaker has not appeared and we have no message, no intelligence at all, about the first paper, so what is the pleasure of the Association—that it be postponed until the next meeting, next year, or that it be published in the Journal and that we enjoy reading it there?

President Klapp took the Chair.

President Klapp: I might add this, that Miss Gregory was on our program at the request of the Executive Committee of the A. L. A. They asked that she be given this time. We have left messages for her, and it may be that she will come in later on.

Miss Gregory's paper* follows.

The Cooperative Cataloging Committee of the American Library Association, in its relation to Law Libraries.

* Unable to appear at the meeting, Miss Gregory mailed her papers to us.

Due to the generosity of the General Education Board, the American Library Association has been able to establish at the Library of Congress, a supplementary cataloguing service, designed particularly to aid research libraries.

Our first task was to make available to large reference and university libraries, cards for current, foreign books and monograph series for which Library of Congress cards were not available. This work is now organized, and we are able to offer to certain groups of special libraries the results of our experience.

The word "cooperative" in the name of the committee should be stressed, for it is only by working together that a plan of this kind can be carried out. Cooperation is needed in sending to the central office notes of books and series for which analyticals are needed; cooperation is shown in the willingness to prepare copy when requested, and in paying the slightly higher price for the cards.

Many of you are now receiving regularly series of monographs in foreign languages, for which no L.C. cards are available. Each of you must catalogue that difficult material for your own library. We know that we can help you here, for we have proved it in our work with reference and university libraries. It is simply that if ten of you, or even five of you are receiving the same series, one of the number will analyze for all, using us as your agents. The Library of Congress prints cards for a great many titles in your collection. We can help you with many of the others. Our cards are printed and distributed by the Library of Congress, and are uniform with theirs in every respect.

In February, 1932, we sent out letters to some fifty law libraries telling of our plans, asking advice as to carrying them out, and for suggestions as to series which should be analyzed first. Today we can tell you that our machinery is set up, is running satisfactorily, and is capable of expansion.

We are now analyzing only a few series relating exclusively to law. We know that these are only a small part of what should and could be done. We are anxious to do more, and come to you for definite suggestions of titles to be undertaken. If we cannot help, we can perhaps put you in touch with another library with the same problems, and an exchange of copy may be arranged. It is for you to say how, and how much you can use our offices.

Lists of series now being analyzed will be sent you gladly. Address A.L.A. Cooperative Cataloging Committee, Library of Congress.

Winifred Gregory

President Klapp: I think that perhaps at this time we will take up the unfinished business. It is a little out of the regular order, but we can do that.

At the last conference an amendment to the Constitution was proposed. The amendment was to insert, in Section 4, after the word "general," the words, "or special," making the full section to read, "Any person officially connected with a law library, state library, or with a general or special library having a separately maintained law section, may become a regular member upon payment of the annual dues".

This amendment is to be voted up on at this meeting. The Secretary has sent out a notice and a copy of the proposed amendment to all the members. I suppose I should put that to a vote.

Mr. Small: I move the adoption of this amendment.

The motion was seconded, voted upon, and unanimously carried.

President Klapp: Among those votes that came in by mail there was only one voting "no"; the rest were all "yes," so the amendment is hereby carried and the Constitution is amended accordingly.

Mr. Small: I have a little matter which I wish to bring up before the Association at this time. It has been our custom in the past for librarians who have served in libraries and been affiliated with our Association and given good service to be honored with a life membership, and I propose at this time to create a life membership for Mrs. Marshall and Mr. Schenk. I so move.

The motion was seconded, voted upon, and carried.

Mr. Small: Mr. President, I have in my hand a report from a committee which has been in operation for the last year or two for the purpose of making periodicals uniform. It is signed by the Joint Committee of the Catalogue Section of the A. L. A., the Periodicals Section of the A. L. A., and the Special Libraries Association.

The purpose of this committee was to have correspondence with, and to work with the publishers of these various periodicals and to arrange for some system of uniformity as to paging, title-pages, labelling on the back, contents, etc., which will simplify and make them more harmonious and easier to handle, read, and understand.

We know we have had several instances of a periodical changing from a monthly to a quarterly, and we know how inadequately the label on the back has shown this. Often the title-page doesn't give any indication of the contents. So this committee is working with the publishers to create a system of uniformity, and they want the cooperation of this Association. Of course, we are just as anxious as any other Association to cooperate in this manner and do what we can. I know that we have worked in times past and accomplished much so far as labelling of law books and many things of that kind are concerned, but there are instances now where an improvement is necessary, not only amongst the law but in the general periodicals, and I move that this Association cooperate with these joint associations in carrying out this work with the publishers throughout the country.

The motion was seconded, voted upon, and carried.

President Klapp: On our program we had listed a round table discussion of law school library problems, with Mr. Coffey presiding. At his request we rather combined that round table with the bar libraries round table yesterday, Mr. Coffey being obliged to leave early this afternoon. However, if there is anybody who would like to start a little discussion, we have time and will be glad to have you do so.

Seeing that the law school libraries have no problems, we will have the report of the Resolutions Committee.

The report of the Resolutions Committee was presented by Mr. Small.

Mr. Small: Our sincere thanks and appreciation are herewith expressed to the management of the Stevens Hotel for their kind consideration in providing meeting places and for other courtesies extended to us throughout the convention.

We appreciate, and are much indebted to, the American Library Association for courtesies, privileges and advantages incident to meeting at the same time and place, and for announcement of the program in the official bulletin, and for hotel arrangements.

Our Thanks are due and hereby given:

To the press of Chicago for publicity and kind comments in their daily issues;

To the Medinah Club for courtesies to our members and the excellent banquet provided for the joint associations;

To the distinguished guests from abroad, Dr. A. C. Breycha-Vauthier, Law Librarian of the League of Nations, Dr. Isak Collijn, Director, Royal Library of Sweden at Stockholm, and Dr. A. Vincent, Librarian, Royal Library, Belgium, for their interesting and enlightening talks at our banquet;

To Mr. Lorado Taft, well-known artist of our own country, for his message of beauty;

To Miss Harriet M. Skogh, our official hostess, who welcomed us so cordially, and who opened to us through her beautiful and complete description of the great State of Illinois, a new appreciation of its importance amongst our states;

To Mr. William S. Johnston, Chicago Law Institute, to Mr. Willard L. King, of the Chicago Bar Association, and to Mr. Charles P. Megan, President of the Chicago Bar Association, for their cordial welcomes;

To Dr. Edwin E. Witte, late director of the Wisconsin Legislative Reference Bureau; to Professor Joseph P. Chamberlain of Columbia University; to Mr. E. E. Brossard, reviser of statutes of Wisconsin; and to Mr. John H. Fertig, Director of Legislative Reference Bureau of Pennsylvania, for honoring us with their presence, for their friendly cooperation, and for their papers and addresses delivered and read before our Association;

To Miss Ella M. Thornton and Miss Irma Watts for their painstaking care in planning and arranging the joint banquet at the Medinah Athletic Club on the evening of Wednesday, October 18th;

To our courteous reporter for his care in reporting and transcribing our proceedings; and

To Miss Alice M. Magee for her kindness in providing divertisement and favors from the Southland.

We are deeply indebted to Hon. Henry W. Toll, executive director of the American Legislators' Association, for many courtesies. We wish to acknowledge, with thanks, the automobile drive to and from the Association's headquarters, and the opportunity of coming in contact with the staff of the Association, who were most courteous. We are also indebted to Mr. Toll for making arrangements for the joint session, and the delightful banquet which followed in the International House.

Last but not least our thanks are due to our President, Mr. S. D. Klapp, who has so ably performed the duties of that office, and brought us an excellent program; and

To Mrs. Lotus M. Mills, our courteous and able Secretary-Treasurer, who has conducted the office in such an efficient manner and is deserving of much credit for our success.

To these two executives we owe a debt of gratitude, and our sincere thanks are due to the Executive Committee and other officers of this Association who have given freely of their time and talent.

Be it Resolved, That these resolutions and thanks be adopted and that the Secretary be instructed to send a copy to each firm and individual herein mentioned.

Adopted in regular session of the American Association of Law Libraries in the City of Chicago, October 20, 1933.

Mr. Small: I move the adoption of the report.

The motion was seconded, voted upon and carried.

Mr. Small: I will now read a memorial to Andrew H. Mettee.

It was a shock to the membership of this Association when word was received of the unexpected death of Andrew H. Mettee who passed away at his home in Baltimore, Maryland, on September 30th, 1933.

Mr. Mettee was one of the charter members of this Association and served two years as President. He was honest in his convictions, ever striving for the betterment of the Association and the upbuilding of law libraries. He had been librarian of the Library Company of Baltimore Bar for forty-three years.

Mr. Mettee studied law and was graduated from the University of Maryland Law School in 1891. He married Miss Irene E. Gifford of Brooklyn, N. Y. in 1901, who, with a daughter, Miss Katherine, survives him. His only son, Andrew H., was killed in an airplane accident some years ago.

Be It Resolved, that the sympathy of the membership of this Association be extended to the bereaved family and that a copy of this resolution be forwarded to them.

Adopted at the regular session of the Association in the City of Chicago, Illinois, on October 20, 1933.

President Klapp: We are changing our program around a little, so our next business will be the report of the Auditing Committee, by Miss Ryan, Chairman.

Miss Anna Ryan read her prepared report.

Miss Ryan: The Auditing Committee examined the checks, vouchers and bank balances of the Treasurer of the American Association of Law Libraries and found them correct.

Mr. Vance: I move the adoption of the report.

The motion was seconded, voted upon, and carried.

President Klapp: Our guest speaker evidently is not going to be here, so we will ask for the report of the Nominating Committee. Mr. Franklin Poole is the Chairman of that committee.

Mr. Poole: Mr. President: Your Committee has very carefully considered its duties and begs to present the following as candidates for the respective offices:

For President, Mr. John T. Vance, Law Librarian of Congress.

For First Vice-President, Miss Alice M. Magee, State Librarian of Louisiana.

For Second Vice-President, Mr. Hobart Coffey, Law Librarian, University of Michigan.

For Secretary-Treasurer, Mrs. Lotus Mitchell Mills, of New York.

For the three members of the Executive Committee to be elected, James C. Baxter, Librarian of the Bar Association of Philadelphia; Mr. Fred Holland,

of the Supreme Court Library, Denver, Colorado; and Mr. A. S. McDaniel, of the Library of the Association of the Bar of the City of New York.

Mr. Small: I don't think the committee could have made better choices. These are all splendid people and active workers, and I move the adoption of this report and that the Secretary cast the entire vote of this Association for the nominees listed by the Committee.

The motion was seconded, voted upon, and carried.

Secretary Mills: The vote is cast.

President Klapp: I have always felt that the last meeting of this Association should be a short one. Many of us are leaving tonight, and naturally are a little tired after a week's activities, but we did not intend to cut it quite so short as it has turned out to be.

Before I ask for a motion to adjourn may I, on behalf of Mrs. Mills and myself, thank you very much for the cooperation and help that you have given the officers, not only this week but during the past year. You have made, so far as the office of President is concerned, it very pleasant and much easier. Everybody has been so kind, and I want to thank you, personally, very, very much. I think that at this time I will let our new President say a few words to you.

Mr. Vance took the Chair.

President Vance: Mr. President, it is very difficult for me to express in words the appreciation that I feel for this high honor that has been conferred upon me by the American Association of Law Libraries. Would that I had the gift of our distinguished First Vice-President, that I might speak to you in those lucid, dulcet, Southern tones and eloquently express the gratitude that I feel for this distinction.

The American Association of Law Libraries is a distinguished, learned society that has rendered very able and great service to the bench and the bar and to the law libraries in general, and it is certainly no small honor to be elected to preside over this Association.

I don't have any platform, program, or promises, except to say that I expect to try very hard to carry on the work and to keep up the standards that have been set by my distinguished predecessors and, of course, I expect to have and know that I will have, the cooperation of each and every member of the Association.

Is there any further business?

Mr. Small: We would like to hear from Miss Magee.

Miss Alice M. Magee (New Orleans, La.): I have been asked to speak on several occasions and appreciate the honor a great deal, but I believe I could best explain it in these words: I am not Eliza.

Eliza was an old colored woman, a loquacious colored woman living on my brother's plantation, who had a gift of tongue, a trait not uncommon to that race. One morning we were driving through the cane fields with guests who had come up to see the grinding. We drove out to where the women were cutting the cane. My brother said, "Eliza, step out here and tell us how much cane you can cut in a day."

"Boss," she said, "you know I can cut cane with any hand in this field." Then, turning to the ladies, her white teeth flashing in her dark face, she said,

"I can cook, I can wash, I can iron, and I can talk. Lawd God, I can talk 'til I'se paralyzed."

I'm not in Eliza's class. I am paralyzed at the thought of having to talk.

Mr. Small: There is one other member that I forgot to thank. I know all those who were at the banquet appreciated the efforts of one of our members who is always doing very nice things. While you were munching the Creole pralines the other evening you were entertained by Cecelia Carter singing her negro spirituals, and it was Miss Magee who provided both Miss Carter and the pralines.

Mr. Goddard: The State Librarians in the adjoining room have just adjourned, and I do have one message for the Law Librarians. Several of you remember the greetings that you received from Governor Wilbur Cross and Chief Justice William Maltbie, of Connecticut. They desired me to bring their greetings, congratulations, and best wishes to the Law Librarians and the State Librarians, both of whom they enjoyed meeting so much, and to express the hope that it will not be long before you come again.

I haven't been able to be with you in person as I wanted to be, but I can't be twins, much less triplets. I was with you in spirit and I want to tell you that I hope everything as planned will be carried out. We have a fine lot of officers in the State Libraries Association for the coming year, and I know there is a fine lot here.

President Vance: I am instructed by our Secretary to announce that the next meeting will be held from June 25 to 30, 1934, inclusive, in the city of Montreal. That envisions a very interesting and delightful meeting. Some of us, perhaps, already know Montreal; others know it only over the radio.

In the meantime, it behooves all of us to brush up on our French and to be prepared for a most delightful meeting.

The meeting adjourned at Four-thirty o'clock.

ATTENDANCE REGISTER

Jean Ashman	Ruth Harrington
James C. Baxter	Frederick C. Hicks
E. Hugh Behymer	Fred Y. Holland
Clark Boardman	E. S. Holmgren
A. C. Breycha-Vauthier	Rena Humphreys
Herbert O. Brigham	Robert L. Jarvis
C. R. Brown	William S. Johnston
Hobart R. Coffey	Willard L. King
Isak Collijn	Lydia L. Kirschner
A. Mercer Daniel	S. D. Klapp
J. T. Doonan	Bernita J. Long
Susan M. Drew	Francis D. Lyon
Irene Gelinas	Alice M. Magee
Gilson G. Glasier	Elizabeth L. Mallalieu
George S. Godard	James D. Mann

Jessie Manning
J. L. McCloud
Gertrude MacKinney
Charles P. Megan
Helene R. Miller
Lotus Mitchell Mills
Mrs. John T. Moore
Lewis W. Morse
Alice M. Morvant
Helen S. Moylan
Helen Newman
Josephine Norval
Franklin O. Poole
Gertrude Probst
Edward H. Redstone
Edna Reinbeck

Arthur E. Reyman
Helen G. Ross
Marie Russell
Anna M. Ryan
Dorothy Scarborough
Harriet M. Skogh
A. J. Small
Burdette J. Smith
Helen A. Snook
S. E. Thorne
Ella May Thornton
John T. Vance
A. Vincent
John H. A. Whitman
G. E. Wire

NOTE

Contents of volume XXVI, to be used in binding, will be issued with the Law Library Journal for January, 1934.

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The REVIEW has come to me for some months and I have found it particularly interesting and valuable. In the March issue, a very exhaustive and beautifully-arranged disquisition of the law and decisions of the courts touching common law marriages and the method of proving same etc., was to me of such great interest and importance that I copied the same bodily into a brief which I will have to use in a case within the next month.—*William T. Tredway, Pittsburgh, Pa.*

The LAW REVIEW has established for itself a secure place in our office library and every issue is read with interest and conveniently filed for future use.—*Robert L. Judd, Salt Lake City, Utah.*

I have found the UNITED STATES LAW REVIEW interesting and informative to a high degree and examine each new number with the expectation that I shall find something useful. So far, I have not been disappointed.—*Clyde L. Young, Bismarck, N. D.*

Your Digests of Current Cases are models of clarity and terseness. It would be a blessing if the judges of our Appellate Courts were to use them as patterns for their opinions.—*Llewellyn L. Calloway, Chief Justice, Supreme Court of Montana.*

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STATEMENT OF THE OWNERSHIP, MANAGEMENT, CIRCULATION, ETC., REQUIRED BY THE ACT OF MARCH 3, 1933, of Index to Legal Periodicals and Law Library Journal published Quarterly at New York, N. Y. for October 1, 1933.

STATE OF NEW YORK COUNTY OF BRONX

Before me, a Notary Public in and for the State and county aforesaid, personally appeared W. C. Rowell, who, having been duly sworn according to law, deposes and says that he is the Vice-Pres. The H. W. Wilson Company, Publishers of the Index to Legal Periodicals and Law Library Journal and that the following is, to the best of his knowledge and belief, a true statement of the ownership, management (and if a daily paper, the circulation), etc., of the aforesaid publication for the date shown in the above caption, required by the Act of March 3, 1933, embodied in section 537, Postal Laws and Regulations, printed on the reverse of this form, to wit:

1. That the names and addresses of the publisher, editor, managing editor, and business managers are:
Name of— Post Office Address—

Publisher, THE H. W. WILSON COMPANY
950-972 University Avenue, New York, N. Y.
Editor, ELDON R. JAMES
Harvard Law School, Cambridge, Mass.

Managing Editor, NONE
Business Managers, THE H. W. WILSON COMPANY
950-972 University Avenue, New York, N. Y.

2. That the owner is: (If owned by a corporation, its name and address must be stated and also immediately thereunder the names and addresses of stockholders owning or holding one per cent or more of total amount of stock. If not owned by a corporation, the names and addresses of the individual owners must be given. If owned by a firm, company, or other unincorporated concern, its name and address, as well as those of each individual member, must be given.)

American Association of Law Libraries, New York, N. Y.; S. D. Klapp, Pres. Minneapolis Bar Ass'n.,

Minneapolis, Minn.; John T. Vance, 1st Vice-Pres. Law Librarian of Congress, Washington, D. C.; Alice M. Magee, 2nd Vice-Pres., State Lib'n of Louisiana, New Orleans, La.; Lotus Mitchell Mills, Sec'y, Treas. Sullivan & Cromwell, 48 Wall St., New York, N. Y.

3. That the known bondholders, mortgagees, and other security holders owning or holding 1 per cent or more of total amount of bonds, mortgages, or other securities are: (If there are none, so state.) None.

4. That the two paragraphs next above, giving the names of the owners, stockholders, and security holders, if any, contain not only the list of stockholders and security holders as they appear upon the books of the company but also, in cases where the stockholder or security holder appears upon the books of the company as trustee or in any other fiduciary relation, the name of the person or corporation for whom such trustee is acting, is given; also that the said two paragraphs contain statements embracing affiant's full knowledge and belief as to the circumstances and conditions under which stockholders and security holders who do not appear upon the books of the company as trustees, hold stock and securities in a capacity other than that of bona fide owner; and this affiant has no reason to believe that any other person, association, or corporation has any interest, direct or indirect, in the said stock, bonds, or other securities than as is stated by him.

5. That the average number of copies of each issue of this publication sold or distributed, through the mails or otherwise, to paid subscribers during the months preceding the date shown above is (This information is required from daily publications only.)

THE H. W. WILSON COMPANY
Per W. C. ROWELL, Vice-Pres.

Sworn to and subscribed before me this 28th day of September 1933.
[SEAL]

A. LAHEY.

Notary Public, Bronx County, N. Y. Bronx County Clerk's No. 4, Bronx County Register's No. 69-L-35. Certificate filed in Westchester County Commission Expires March 30, 1935.

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